

## **K.2 THE COMMENT RESPONSE MATRIX**

The following Table lists the commenters who responded to the Draft EIS. Comments in Section K.2.2 are identified by letter numbers as shown in this table.

**Table A. List of Commenters to Draft EIS**

<b>Letter No.</b>	<b>Commenter</b>	<b>Letter No.</b>	<b>Commenter</b>
1	John/Megan Kendall	24	Lincoln County Board of Commissioners
2	US Dept of Agriculture/Natural Resource Conservation Service	25	Washington Dept of Natural Resources
3	Lincoln County Planning Commission	26	Edward B. Sinclair
4	Bruce W. Henion	27	Columbia-Snake River Irrigators Association
5	Katherine Van Tuyl	28	Charles J. Ferranti
6	Sharon Waterman	29	Inland Ports and Navigation Group
7	Rachel Thomas	30	Shelly Grimshaw
8	Casey Jones	31	Elwin L. Fisk
9	D.E. Callison	32	Public Power Council
10	Susan Krentz	33	Natural Solutions
11	Anonymously Submitted Newspaper Articles	34	Columbia River Inter-Tribal Commission
12	US Dept of the Interior/Office of the Secretary	35	Washington State Farm Bureau
13	Rick Carosone	36	Maia E. Genaux
14	S. Nighthawk	37	Timothy Charles Reagan
15	Joe Thompson	38	Save Our Wild Salmon
16	Paula A. Jones	39	Spokane Tribe of Indians
17	Marshall Magee	40	Committee of Nine and Idaho Water Users Association
18	Pacific Northwest Generating Cooperative	41	Kootenai Tribe of Idaho
19	Barbara Birnbaum	42	US EPA Region 10
20	Joseph Demir	43	Shoshone-Paiute Tribes
21	Karen Carlson	44	State of Idaho Office of Species Conservation
22	Lester Carlson	45	The Mountaineers
23	Curtis Magee		

### **K.2.1 How to Read the Comment Response Matrix**

The table that follows contains information from each submitted comment letter, separated by the EIS Team into individual recommendations, points of disagreement, or general remarks. To make sure that we stayed as close as possible to the commenter's intent, we

have carefully reproduced each speaker's words. In a few instances, where the writer accidentally omitted a letter or where a reader referred to but did not name a section in the EIS, we have inserted the needed letter or point of reference in order to convey the reader's intent more accurately—these changes are always indicated with [brackets]. We have not summarized any comments, but where a subject was addressed over several sentences or paragraphs, we have selected the major points, indicating omitted material with ellipses ( ... ). These may be checked against the original letters, found at the end of this appendix.

Each comment letter received an individual number; each comment within the letter also received a unique identifying number (so that, for instance, the very first comment on the list comes from Letter #1, and is Comment #1). From left to right, the columns contain the following information:

- **Number of the comment letter and comment:** each letter received its own number, as did each comment within that letter.
- **The actual comment** (see note above).
- **The response:** in some cases, the comment can be responded to in the table itself, where a short answer is appropriate. Where a number of commenters addressed the same subject, we have written a response that applies to several comments at once—an "umbrella" response (see preceding section). Wherever possible, we have indicated the section in the EIS where either changes have been made to respond to the comment or material relevant to respond to the comment may be found.

The matrix also contains numerous references to documents where more information can be found. Each of those reference documents can be found, listed alphabetically under the author's or initiating agencies' respective names, in the References section of this EIS (Volume 1). Note that because the Lower Snake River Juvenile Salmon Migration Feasibility Report and Final Environmental Impact Statement bears a lengthy title, and because it is referenced frequently, we have adopted a "shorthand" title of "FR/EIS" in the Matrix.

## K.2.2 The Comment Response Matrix

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Letter/ Cmt #	Comment	Response
1/1	I must say that it is very apparent that we collectively must implement to recover our anadromous fish population while maintaining solid economic factors.	Please see Umbrella Response on Preferences.
1/2	The information is in gentlemen ... and we must act on it. ... It is time we take some action	We agree; see Chapter 1 and the Umbrella Response describing the Reason for the EIS.
1/3	Please remove the earthen portion of the four lower Snake River Dams to allow more natural passage for these fish.	See Umbrella Response on Preferences. Also refer to the Umbrella Response on the Clean Water Act for a discussion of the controversy over the Lower Snake River dams, and to the Corps' Lower Snake River

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		Juvenile Salmon Migration Final FR/EIS (Corps 2002b) for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
1/4	Just alone with a solid return of salmon and steelhead annually we will create more jobs and boost economies of once slow areas.	Agreed, more salmon and steelhead would be a boost to some economies. However, the amount and location of boost also depends on harvest policies. The exact harvest policies under each Policy Direction are not sufficiently defined to say which economies would be helped the most. Selective harvest policies would tend to favor river harvest and economies over ocean harvest and economies. Following BPA's initial Policy Direction decision at the conclusion of this EIS process, the Agency will proceed with other more specific program and action decisions, as it implements the chosen Direction. More detailed information clarifying where changes in the economy may take place will be addressed at that time. See Section 5.2 and 5.3 in this EIS for more information on the many interrelationships and trade-offs among the various actions associated with fish and wildlife mitigation and recovery. Also, see the Umbrella Response regarding Tiered RODs.
2/1	It is obvious that the intent of the EIS is to encourage positive support for habitat restoration from private landowners.	See Umbrella Response regarding Tiered RODs, Claims that BPA Advocated Certain Preferences in the DEIS, and the Reason for the EIS. The EIS did not identify exact mixes of property purchases, positive incentives, and regulation. Voluntary, cooperative habitat protection and improvement is more likely to be successful than the alternative. Implementation will include locally led initiatives financed by local, private, state, and Federal funds.
2/2	The document does not adequately describe what actions are contained in the implementation plan, itself. The concept of an implementation plan implies decisions have been reached by BPA as to what actions to pursue to restore fish and wildlife. ... In addition most of the [sample implementation] actions listed read as goals and objectives not actions that describe what, when, where, who and how different tasks will be undertaken. Without this level of information it is difficult if not impossible to describe the cumulative environmental, economic and social effects required by NEPA.	See Umbrella Response regarding Tiered RODs. In order to account for cumulative environmental, economic, and social effects, it is important first to understand their interrelationships. This EIS focuses on those interrelationships so that an overall conclusion or a cumulative assessment can be completed, with a full understanding of the consequences. Without this level of understanding about the relationships, the sheer enormity and complexity of the effort to recover fish and wildlife in the Region would likely overwhelm and elude the public and decisionmakers. Because this EIS is a policy-level EIS, it focuses on an analysis of the policies that would be implemented under each Policy Direction in the EIS, rather than on site-specific actions. The sample implementation actions are intended to provide examples of the actions that could occur under each Policy Direction; site-specific analysis for specific actions would occur once an action is proposed. As described in the Umbrella Response referenced above, BPA intends to "stair-step" the decisions made under its

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		<p>adopted Policy Direction so that others, including the public, can follow the train of logic to the decisions made over time.</p> <p>Regarding the Implementation Plan that BPA and others are developing to comply with the NMFS 2000 FCRPS BiOp, please see Section 2.3.2.4 of the EIS. Those actions to be taken under the Implementation Plan that are derived from the NMFS BiOp and the Northwest Power Planning Council's (Council) Program have also been incorporated into the sample implementation tables (Volume 3), where appropriate, for each Policy Direction.</p>
2/3	Effects do not [c]ite study or research references. They do not appear to be based on science nor on a process to synthesize societal values about the proposed alternatives.	Effects were taken from publicly available EISs, studies, and other regional documents (please see the Documents Incorporated by Reference in Chapter 1 and the References sections for details). Over 600 footnotes have been added throughout this Final EIS to better direct the reader to specific detailed information. See, also, Umbrella Responses on Tiered RODs and the Qualitative versus Quantitative relationship. The DEIS, as well as this Final EIS, was intentionally written NOT to take a particular stance on what the Region's values should be.
2/4	The concept of "Build Your Alternative" ... is interesting but perhaps should have been used through a public process to scope the alternatives prior to developing an implementation plan and this draft EIS.	<p>The "Build Your Own Alternative" was an out-growth of the scoping process. As the EIS team became more familiar with the different processes for fish and wildlife being conducted around the Region, the need for this section became apparent. What we experienced at the beginning of the EIS process (i.e., scoping) is still true, as demonstrated from the comments received on the DEIS and the continuing processes in the Region.</p> <ul style="list-style-type: none"> <li>▪ The science still does not have agreement as to the <i>precise</i> answer on how to resolve the fish and wildlife recovery effort.</li> <li>▪ Complete <i>agreement</i> on the actions to take to implement a fish and wildlife recovery plan can still not be reached.</li> <li>▪ The level of what is considered <i>reasonable</i> for alternatives is still being questioned.</li> </ul> <p>If BPA had waited until the many processes around the Region coalesced into one agreed-upon approach for fish and wildlife recovery, the necessary time to prepare this EIS would have further delayed implementation by 2-3 years or more. Also, the opportunity to examine objectively a broad scope of alternatives would have been lost, and this EIS analysis would have been focused on implementing a decision already made. It would not have been a prudent environmental or public-policy strategic decision for the Administrator to wait while fish and wildlife might have continued to decline.</p>

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		<p>Even now, it is still uncertain whether there will be complete agreement on the <i>right</i> approach for the Region to take on fish and wildlife recovery.</p> <p>The "Build Your Own Alternative" section in this EIS is needed: it offers the public, other interested parties, and decisionmakers the methodology and understanding as to how to construct new alternatives (modified Policy Directions) in the future from the actions and effects information and data in this EIS. As we noted in the DEIS, we anticipate that Policy Directions will not remain static over time (see Chapters 2 and 4 specifically). This EIS's analytical process and the use of the Tiered ROD concept (see Umbrella Response on Tiered RODs and Figure 1-6) allow us to cover the many thousands of alternative combinations of the potential Policy Directions. This in turn allows for more informed and expedited decisions that transfer the needed funds into actions on the ground to help fish and wildlife recovery.</p> <p>Finally, BPA also offered to assist those interested in trying the "Build Your Own Alternative" process during the comment period on the DEIS. However, no one accepted this offer.</p>
2/5	<p>The Commerce Focus Alternative has, what NRCS perceives as, major inconsistencies. The draft EIS defines the Commerce Focus as: "a libertarian approach to conservation [quotes DEIS] ... ." On pages xxiv-xxv of the draft EIS summary the effects of the Commerce Focus are displayed as less effective than the No Action alternative. ... NRCS and our conservation partners view this as the only viable approach. A locally led, voluntary approach is the only way to get the needed private landowner trust and stewardship needed to restore fish and wildlife to sustainable levels. The effects of this alternative however, are displayed in the draft EIS as less effective than the "Status Quo (No Action) alternative." ... Regulations and enforcement at best control behaviors but only as long as the regulators are visible.</p>	<p>The Commerce Focus alternative would emphasize private incentives to improve habitat and other activities to enhance native species. We recognize that incentives would likely be most effective and efficient for actions that involve private lands. However, public lands and public and private water uses must also be considered. The Commerce Focus would also, generally, de-emphasize non-commercial values and emphasize commercial use of land and water resources. Overall, we believe that this emphasis would be less effective than some other Policy Directions in restoring species with less commercial value. We have eliminated the characterization, "libertarian" in this EIS.</p>
2/6	<p>Long-term approaches that emphasize maximizing economic, social and cultural values and internalizing both private and public costs will result in similar outcomes as the draft EIS alternative</p>	<p>It is easier to say that we will maximize economic, social, and cultural values than it is to consider the very different values, and beliefs about the relative importance of values, that lead to very divergent preferences. We do believe that internalizing costs, the</p>

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	described as "Sustainable Use." The use of financial incentives and processes that empower local decisionmaking can effectively be used to accelerate efforts to meet both economic and environmental objectives.	use of financial incentives, and local decisionmaking are solid foundations of an efficient, workable approach. See also Umbrella Response on Preferences.
2/7	At least for Habitat Actions, NRCS disagrees that the implementation actions listed for the Commerce Focus Alternative (end of Chapter 3) would result in the effects displayed in chapter 5 (pages 226-266).	We note your opinion. While we believe that the effects identified in Chapter 5 are those that could reasonably be expected to flow from the actions for this alternative identified in Chapter 3 (now in Volume 3), we have reviewed the actions and effects in light of your comments, those of others, and the data in the documents incorporated by reference. Chapter 5 has been modified accordingly. Please refer to Section 5.3, Environmental Consequences.
3/1	I request ... a 60-90 day extension to the comment period.	The comment period for the Draft EIS began on June 22, 2001, with publication of the Notice of Availability for the Draft EIS in the <u>Federal Register</u> , and originally ended on August 6, 2001. Thus, BPA originally provided a 45-day comment period for the Draft EIS, as required by NEPA and DOE regulations. However, based on public input such as this commenter's letter, balanced with the agency's need to continue to proceed with the EIS, BPA chose to extend the end of the Draft EIS comment period for 32 days until September 7, 2001. Thus, a 77-day comment period was provided for the Draft EIS, which BPA believes was a reasonable amount of time for public review and comment.
3/2	[The FWIP DEIS comment period] also violates [Lincoln County Planning] land use plans for adequate notice, and consultation, cooperation an coordination.	As discussed on page 1 of the Draft EIS, this EIS is being prepared by BPA, a Federal agency, in order to comply with NEPA and assist BPA's Administrator in making an informed policy-level decision for the agency. While BPA is required to comply with the procedural requirements of NEPA, BPA is not obligated to comply with the procedural requirements of local land use regulations for this review. Generally, pursuant to the Supremacy clause of the U.S. Constitution, Federal agencies such as BPA are not bound by such state and local procedural regulations unless Congress has waived supremacy. Nevertheless, BPA believes that it has provided ample opportunity to participate in this process and will further coordinate with local officials as more specific actions are tiered to this analysis.
4/1	Request a 60-90 day extension to the comment period. The August 6, 2001 suspense does not give sufficient time to receive the document, review it, and provide comments.	See response to comment 3/1.
5/1	Request a 60-90 day extension to the comment period. The August 6, 2001	See response to comment 3/1.

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	suspense does not give sufficient time to receive the document, review it, and provide comments.	
6/1	Please extend the comment period another 60-90 days to allow those of us in these states to review the draft.	See response to comment 3/1.
7/1	Request a 60-90 day extension to the comment period. The August 6, 2001 suspense does not give sufficient time to receive the document, review it, and provide comments.	See response to comment 3/1.
8/1	Please extend the comment period for an additional 60 to 90 days. The current August 6, 2001 suspense doesn't allow sufficient time to receive, review, and provide comments on a document of this import.	See response to comment 3/1.
9/1	I request at least a 90 day extension to the comment period. Less than a month is hardly sufficient time to receive the document, review it and provide comments.	See response to comment 3/1.
10/1	Request a 60-90 day extension to the comment period. The August 6, 2001 suspense does not give sufficient time to receive the document, review it, and provide comments.	See response to comment 3/1.
11/1	Save our rivers, our salmon; breach dams.	See Umbrella Response regarding Preferences. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
12/1	The FEIS should include the following [additional] information on impacts to recreation use and facilities for the lands managed through the [National Park Service] and should be considered in the final analyses for mitigation to these resources.	All information submitted as part of a formal comment will be part of the Administrative Record for this EIS, including the material on impacts on recreational use and facilities for the lands managed through the National Park Service. Even information that may be more detailed than necessary for a policy-level decision will remain available to the public and decisionmakers as part of the Administrative Record for this process, in order to benefit site-specific actions tiered from this decision. One of the benefits of this type of process is that the relevant portions of the record will be available when a specific action is considered for implementation.
12/2	The Department [of Interior] is concerned that changes in reservoir operations that directly affect the management of the [Lake Roosevelt] National Recreation Area, in terms of public access and	See response to comment 12/1, above. Impacts will likely vary by alternative. Site-specific impacts will be addressed for each site-specific action. Fundamentally, BPA recognizes that reservoir drawdowns to create higher flows downstream for migrating juvenile salmon

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	resource management and protection, have not been adequately addressed in the DEIS. ... The following [additional] information should be included in the FEIS for analysis.	will trade-off a variety of other upstream impacts on cultural, economic, and fish and wildlife resources.
12/3	We also request that [BPA] provide information in the FEIS on how [the agency] will mitigate for these impacts to recreation use and facilities.	This EIS identifies possible mitigation measures throughout Chapters 4 and 5 and, in particular, Section 5.2. Also, the ROD will provide information regarding mitigation for the final decision. See also response to comment 12/1, above. Actual mitigation is coordinated with the hydro project owner(s) and operator(s), the recreational land manager, and affected states and tribes.
12/4	The Department [of Interior] is also concerned that the three concessionaire operated marinas within the [Lake Roosevelt National Recreation Area] that would be affected by changes in the summer operations of Lake Roosevelt were not addressed in the DEIS. Please include this [additional] information and the analyses for affects on these concessionaires in the FEIS.	This policy-level analysis does not assess actions as detailed as the impacts on three concessionaire-operated marinas within the Lake Roosevelt Recreation Area. However, this information will undoubtedly be useful in evaluating subsequent site-specific proposals. Accordingly, it will be included in the Administrative Record for this EIS to be used at the most appropriate time. See, also, the Umbrella Response regarding Tiered RODs and the response to comment 12/1, above.
12/5	[DOI] are very concerned that the impacts to cultural resources in the LRNRA, given the drafting of Lake Roosevelt below elevation 1,280 feet, was not adequately addressed in the DEIS. ... The [additional] following information should be included in the FEIS and used for the impacts analyses of this project on cultural resources.	See response to comment 12/1, above. In addition, this EIS provides a broad, policy-level analysis of potential impacts associated with various Policy Directions. As such, the EIS discusses only general, qualitative impacts on cultural resources. (See, for instance, Sections 5.2.3.3 and 5.3.3.4 of this EIS.) Once a particular Policy Direction is selected and site-specific actions are proposed, more in-depth analysis of cultural resources effects from each site-specific action will be conducted through additional NEPA documentation, as necessary. See also the General Response regarding Tiered RODs.
12/6	[DOI] are concerned that the impacts [on the resident fishery in Lake Roosevelt] from fluctuations below elevation 1,280 feet (July to August) were not addressed in the DEIS. The [additional] following impacts would be two-fold [productivity and loss of macrophyte populations], and should be included and analyzed in the FEIS.	See response to comment 12/1 and the other previous comments to letter 12. The general impacts on the resident fishery from drawdown have been considered in the analysis on resident fish in Sections 5.2 and 5.3, and summarized in Chapter 3. See also, the Umbrella Response on Tiered RODs.
12/7	The DEIS did not address the exposure to the public during the peak public utilization period, of additional portions of the lake bed, which may have deposition areas containing toxic materials. These toxic materials have been the result of past and present	See previous responses to comment letter 12. Also, the FR/EIS, even though focused on non-storage dams, provides a useful analysis of the impacts associated with drawdown, including geology, soil, agricultural, water quality, and economics. For analysis more directly focused on storage dams, please see the relevant analysis from the SOR FEIS. Further, for a policy-level



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	activities of a lead/zinc smelter and pulp mill upstream, and from other mining, logging, agricultural, industrial and municipal activities. The affect to the public and possible mitigation given the drawdown of the lake should be included in the FEIS.	analysis, see Sections 5.2 and 5.3 of this EIS regarding the general impacts of reservoir drawdown and pollutants.
13/1	The only two options that can be considered ... is the Natural Focus alternative or the Weak Stock Alternative. I think that there should be some modifications to both of these options ... The only thing that will restore our fish runs is the breaching of the lower four Snake River dams.	See Umbrella Response on Preferences. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
13/2	I realize the consequences of breaching are the loss of barging jobs and power generation. The addition of long fishing seasons will more than offset this loss.	Comment noted. For more on the impacts on barging and power, as well as associated fishing concerns, see FR/EIS Sections 5.9 through 5.14 and Appendix I.
14/1	Save our rivers, our salmon; breach dams.	See Umbrella Response regarding Preferences. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
15/1	In essence we are maintaining the status quo ... yet we know what it takes to restore the runs. ... Nothing in the paper convinces me that we can save the salmon without breaching dams (Snake River Dams). We don't have time for study and research. These species face [extinction].	<p>We appreciate and agree with the commenter's desire to move more quickly in the fish and wildlife mitigation and recovery effort. Even though many actions have already been implemented and much time has passed in trying to recover fish and wildlife in the Region, the precise science for successful fish and wildlife recovery has not been agreed upon at this time. As can be demonstrated by the comments on the DEIS, there is disagreement on what should be done to recover fish and wildlife. Even on a broad scale, some in the Region believe the Lower Snake River dams should be removed, while others argue that there is no overall salmon species problem. The "bookend" Policy Directions, such as Natural Focus and Commerce Focus, are seen by some as the only reasonable choice, while others think these are too extreme to even be considered (see the Umbrella Response regarding Scope).</p> <p>A purpose of this EIS is to help in the understanding of the general environmental consequences and trade-offs that can be expected under the different Policy Directions. Our intent with this EIS is to "stair-step" the decisionmaking process so the public, other interested parties, and the decision- makers can see how the different levels of decisionmaking for fish and wildlife recovery can affect the human environment. Basically, we want to "look before we leap." However, in doing so, we also want to expedite future processes, so the</p>

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		transfer of money into actions that can make a difference to fish and wildlife recovery is timely. See the Umbrella Response regarding the Reason for the EIS.
16/1	It is time for BPA to set some new, more effective policies. I want to see the new direction of policy for the BPA to be based on the Weak Stock Focus.	The preference was noted. The Preferred Alternative (PA 2002) in this EIS is mainly a combination of the Weak Stocks Focus (without dam breaching) and Sustainable Use Focus alternatives. See Section 3A of this EIS.
16/2	The 4 or 5% of generation capacity these dams provide could easily be made up with conservation measures or through alternative energy sources.	Energy conservation and renewable energy resources have been an ongoing part of BPA's programs. For more information on generation and conservation, please see BPA's Business Plan EIS and ROD, and the Resource Program EIS and ROD. For information regarding analysis of the energy resources impacts associated with breaching the four Lower Snake River dams, refer to the FR/EIS (Section 5.10.4) and the Corps' FR/EIS ROD.
16/3	The Stateline 300 megawatt Wind Power project ... not only is supplying environmentally benign power it is also generating jobs and good source of commerce.	See response to previous comment, 16/2.
16/4	The four lower Snake dams are in violation of the Clean Water Act.	We have noted the opinion expressed in this comment. For more information about these dams in the context of the CWA, see the Umbrella Response regarding the Clean Water Act
17/1	I want to see the new direction of policy for the BPA to be based on the Weak Stock Focus. I want to see the weakest fish populations saved first.	See Umbrella Response regarding Preference. See 16/1, above.
17/2	The 4 or 5% of generation capacity these dams provide could easily be made up with conservation measures.	See comment 16/2.
17/3	The four lower Snake dams are in violation of the Clean Water Act.	See response to comment 16/4.
18/1	History is written, consciously or not, through the filter of those doing the writing. ... This summary [chapter 2] suffers ... from an overemphasis of certain themes. It is not necessary in an EIS.	We note the commenter's views concerning BPA's summary of policy history. To streamline this discussion in the EIS, we have focused on those policy issues that have historically been problematic or that appear to be central to any policy alternative comprehensively addressing fish and wildlife in the Region. We have added an introduction acknowledging our efforts to objectively summarize the relevant history, while recognizing that some may feel we have been subjective. In any event, we have decided to leave this historical information as a reference for decisionmakers and the public. Also see the FR/EIS,

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		Appendix R, entitled Historical Perspectives.
18/2	Why not ... recognize and propose action on the management conflicts occurring between these laws, and between BPA and other federal, state, and tribal entities involved in fish and wildlife management? ... There is a serious question about the usefulness of the sections of the document that attempt to select a preferred course of action.	<p>We have tried to lay out (especially in Chapter 1) the problems that we think the Region is facing regarding the need for a Policy Direction that will be guided by a comprehensive and consistent fish and wildlife recovery plan. Some changes have been made throughout the document to clarify further our intent and the problem that BPA, as well as the Region, faces (also see Section 2.3.2.3, Current Policies—Conflicting Priorities and Appendix B). As for trying to create a forward-looking policy-level EIS, the "policy vacuum" has left BPA with the need to gain some stability to assist the Region in trying to reach a sustainable recovery effort. BPA does recognize the conflicts of laws, regulations, and values throughout the Region. Figure 1-1 was a prime illustration of the challenge of reaching agreement. The Preferred Alternative (Chapter 3, Part 3A) identified in this EIS shows how BPA intends to manage its issues around the conflicts to achieve some form of order. Figure 1-6 demonstrates BPA's commitment to creating understanding around a Policy Direction decision by connecting it with important, more specific decisions on programs and actions to implement the chosen Policy Direction. (Also see Umbrella Response regarding Tiered RODs.)</p> <p>Chapter 2, also, spends considerable time tracing how fish and wildlife policy has evolved over time. We are now at a point where the regional policy direction may need altering as mitigation and recovery effects continue to change. Table 2.3-2 highlights the key policy conflicts that create difficulty in reaching balance. Given these factors, BPA has prepared this EIS to help make decisions today and to establish a way to assess future environmental consequences promptly and effectively to help the recovery effort when timely actions are key to success.</p>
18/3	It appears that this EIS has gotten ahead of itself. ... The entire array of the Columbia Basin fish and wildlife activity is not within the province of BPA's actions, therefore does not lend itself to creation of an EIS for NEPA purposes by BPA.	<p>See Umbrella Responses regarding Tiered RODs, and Scope of the EIS, and the Reason for the EIS. BPA funds the largest fish and wildlife mitigation and recovery program in the world. We address the imminent threat of extinction not only of species, but also, in some instances, of Pacific Northwest cultural icons. Uncertainty is a given. Bureaucratic delay is not an option. To responsibly fulfill our role, we believe BPA must undertake a broadly scoped quantitative analysis to provide better guidance to the public and decisionmakers and to expedite the actual mitigation and recovery work that needs to be done.</p> <p>Too often, NEPA is criticized for merely affirming a decision already made. There can be little doubt that the</p>

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		Region is continuing to implement fish and wildlife mitigation and recovery policy whether stated or implied. The need to modify such policy through time, as has been done in the past, is highly likely. Therefore, BPA has initiated a NEPA process that is proactive and forward-looking. We believe this approach furthers the purpose and intent of NEPA. Moreover, while all actions under a policy alternative will not be within BPA's authority to implement, such actions will be connected, or their impacts cumulative, so their inclusion in this EIS helps ensure its adequacy.
18/4	No one in the region has been able to determine all of the possible environmental effects possible for fish and wildlife. But, this document does not even try to do so because it relies on previously existing lists of options that have their own limitations and biases.	See Umbrella Response regarding Tiered RODs, Scope, Reason for the EIS, and Qualitative versus Quantitative Analysis. Also, BPA does not presume to have accomplished analytically what no one else in the Region could do. To the contrary, BPA is using and depending upon existing data to establish predictable relationships between actions and effects to inform the public and decisionmakers of the probable overall consequences of general Policy Directions. We have designed alternatives across a spectrum of reasonableness. We do not consider these alternatives to be exhaustive, and we invited parties to suggest their own variations. Our process is designed to complement, not replace, the past and ongoing environmental analysis within the Region. Additionally, our intention was to create a tool that would be useful beyond immediate decisions and that could serve future decisionmakers.
18/5	It is disturbing that BPA decides to pursue NEPA coverage for actions that are not legal under current law, such as dam breaching. ... We do not believe that NEPA compels an EIS on actions that are neither legal nor realistic at this point.	See Umbrella Response regarding Scope.
18/6	Aside from creating another layer of process in the region, what is BPA trying to accomplish in this Draft EIS?	See Umbrella Responses regarding Tiered RODs, Scope of the EIS, and Reason for the EIS. Also see response to comment 18/3 and 18/4, above.
18/7	On the one hand, BPA indicates that it does not intend to unilaterally select a policy direction (Draft Summary p. v, and Draft p. 15). On the other hand, BPA states its intention to identify a preferred alternative in the final EIS (Summary p. xv and Draft p.16).	Both statements are correct and are not inconsistent with each other. As discussed on page 5 of the DEIS, and now in this EIS, BPA does not intend to unilaterally select a Policy Direction regarding fish and wildlife recovery efforts for all the regional entities, or to make a decision on policy for other agencies or entities. BPA has worked hard to objectively review and evaluate the potential implementation of actions recommended by others under the 2000 NMFS and USFWS BiOps, the Council's Columbia River Basin Fish and Wildlife Program, the Tribal Vision, the Recommendation for the Protection and Restoration of Fish in the Columbia

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		<p>River Basin by the Governors, and other land and water management agency plans. The intent for BPA has always been the same, from the DEIS to this EIS and eventually the ROD: to complete a unified planning approach that assesses actions of other regional entities for fish and wildlife mitigation and recovery and that helps establish a policy direction to guide BPA's integrated fish and wildlife program funding and implementation.</p> <p>BPA also has a statutory obligation to understand the environmental consequences of its actions and provide an opportunity for the public to participate in agency decisionmaking. This EIS is a product of that process. It is designed to meet the immediate, as well as the future, needs that the BPA Administrator and any other regional policy decisionmakers may have, to understand the possible environmental consequences of their policy decisions regarding fish and wildlife mitigation and recovery efforts, while informing the public of such impacts.</p> <p>BPA's identification of a preferred Policy Direction in this EIS does not mandate a policy direction for all other regional entities. Other regional entities are free to choose their own policy direction(s) for fish and wildlife recovery efforts or to join BPA as it implements its choice. See Chapter 3 for details of BPA's Preferred Alternative (PA 2002).</p>
18/8	It is not at all clear why BPA believes that it needs to cover the entire waterfront of salmon and steelhead recovery tools within this EIS when it is only one of many agencies involved with these issues.	See Umbrella Responses regarding Tiered RODs, Scope, Reason for the EIS, and responses to comment 18/3 and 18/4, above. Also, BPA is the major source of fish and wildlife funding in the Region. It has projects in four Pacific Northwest states on Federal, state, local, tribal, and private lands. BPA's objective is not to impose a policy on the Region, but to ensure that a long-term policy exists to guide its actions to ensure the efficient and effective use of available resources.
18/9	The real policy options coming out of other processes [e.g., 2000BiOp and "All-H" Paper] ... do not and should not fit neatly into the categories offered in this Draft EIS. ... Assuming that ... a valid policy direction could be created, the only reasonable approach would be to pursue a hybrid that recognizes the complexity of the issues at hand.	See Umbrella Response regarding the Hybrid Alternative. To aid the public and decisionmakers, BPA has incorporated actions from other sources, such as the NMFS and FWS 2000 FCRPS Biological Opinions (BiOps), directly into the Sample Implementation Actions found in Volume 3 and illustrated in Appendix I. As indicated within those Tables, the 2000 BiOp is a hybrid alternative composed of essential aspects of the Weak Stock Focus and Sustainable Use Focus alternatives.
18/10	This Draft EIS does not propose valid policy categories because it oversimplifies and mischaracterizes the	See Umbrella Response regarding the Reason for the EIS and Hybrid Alternatives. Also, the characterization "libertarian" has been removed from this EIS. The

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	categories throughout the document. Part of the problem seems to be a fundamental misunderstanding of the issue. ... [The EIS] describes a "Commerce Focus" as representing a "libertarian" approach ... . We are appalled by this characterization. ... We would hope that BPA shares our interest in efficient recovery efforts, rather than lumping that concept under a false label of radical free market philosophy.	identified Policy Directions in this EIS are not meant to be exclusive, but rather to be logical points along the spectrum of reasonable alternatives. BPA has encouraged readers to "create their own alternative(s)," Appendix I.
18/11	We are disturbed by the characterization of the "Status Quo" alternative as a no action alternative.	Do not read the term "no action" literally. The Status Quo Policy Direction is the "no action alternative" required under CEQ's NEPA regulations. The "no action" alternative usually represents "no change" from current direction at the time of this EIS preparation—a direction under which BPA was spending, annually, hundreds of millions of dollars for fish and wildlife. As can be seen in Chapter 5, continuing the Status Quo would not mean all actions stop, but they would be less coordinated.
18/12	There are other labeling issues that concern us throughout this document. For example, the reference to "industry" is misguided. This is used to describe the entire range of economic interests in the region as if they all had a profit motive inconsistent with the health of fish and wildlife .... The fact that most utilities receiving power from BPA are not-for-profit entities serving everyday citizens of the region seems completely overlooked. [In the list of] "Major Participants" ... "Other Regional Interests are listed at the bottom almost as an afterthought.	We did not intend to imply that commercial interests were opposed to aiding fish and wildlife mitigation and recovery. Figure 1-2 and Section 1.3.1 have been changed to reflect the comment.
18/13	The document seems to propose making a policy decision based on an oversimplified model that melds several separate and outdated sets of scientific results [e.g., unworkable "Multi-Species Framework Process," discredited PATH process]. ... In the past, BPA has argued for better use of better science .... How does BPA presume to achieve accurate results in determining policy choices with a monstrous amalgamation of that science conducted at different times, by different people, for different purposes. ... The worst result ... is that throughout the Draft EIS the action items are presumed	See Umbrella Responses regarding Tiered RODs, Scope of the EIS, Qualitative versus Quantitative data and Reasons for the EIS. Also, the comments on the DEIS have demonstrated that tremendous disagreement continues to exist as to the best course of action within the Region. Indeed, there is lack of agreement on the science with respect to this topic; however, BPA has an ongoing obligation to take what it determines to be the best course of action available to mitigate and recover species. Therefore, BPA is attempting to make the most appropriate decision possible by weighing, evaluating, and considering all relevant existing information, always keeping open the possibility that new information will be developed requiring a change in course. Regarding the reference to PATH as outdated, see comments 34/3

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	to have biological results that are either not proven or are still in the midst of heated debate among the region's scientists.	through 34/4 and 44/13 for a contrary point of view.
18/14	However, we believe [BPA] would be better served if it focused more on how to bridge the gap with other regional entities rather than creating its own new fish and wildlife policy making apparatus that seems destined to conflict with its primary duty to assure the Pacific Northwest an adequate, efficient, economical and reliable power supply.	See Umbrella Responses regarding Tiered RODs, Scope of the EIS, Reasons for the EIS, and Quantitative versus Qualitative data. The purpose of this process is not to create a separate process, but to bring all ongoing processes together. BPA is working with the Corps and Bureau of Reclamation toward implementation of the NMFS and USFWS' BiOps. BPA has integrated the funding and implementation of the ESA actions with the Council's Fish and Wildlife Program. The whole intent behind this EIS is to bridge the gap with other regional entities and forge the pieces of fish and wildlife mitigation and recovery into a unified plan. In this way, BPA hopes to provide equitable treatment to fish and wildlife while continuing to assure the Pacific Northwest an adequate, efficient, economical and reliable power supply. For more on BPA's statutory obligations, refer to Section 2.3.2.1 of this EIS.
19/1	"Natural Focus" with some extra emphasis on "weak stocks" ... will benefit both salmon and all the other wildlife species which utilize the same ecosystem.	See Umbrella Response regarding Preference. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
19/2	If we are somewhat patient and allow a reasonable timeline for Nature to take advantage of our positive steps, we will ultimately (and not that far off) be able to benefit ourselves with greater harvests of fish and wildlife.	We agree that patience is critical when implementing fish and wildlife recovery and mitigation measures. Rarely can a measure have immediate impact on populations. Especially with salmon, success can often be measured only when fish return to fresh water to spawn.
20/1	If we don't breach the dams we will have no spawning grounds for the wild fish.	We disagree. See Umbrella Response regarding Preference. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, including the impacts to wild anadromous fish.
21/1	I like to see some breaching of the dams in five years or less, because the salmon will be extinct in 16 years ....	See Umbrella Response regarding Preference. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams. If salmon are extinct in 16 years, that event will not be a result of the FCRPS or BPA's power marketing actions. High numbers of returning fish in recent years proves the FCRPS is not the limiting factor to salmonid survival and recovery in the Columbia Basin.
21/2	We don't have to let them wait to be extinct and having to pay all of the tribes billions of dollars over something we	The comment was noted.

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	could have prevented.	
22/1	It concerns me about the spring and summer salmon runs in the Snake River and the steelhead too. ... They won't even consider breaching the Snake River Dams for ten years. I would like to see them breached a lot sooner than that.	See Response to 21/1.
23/1	I want to see the new direction of policy for the BPA to be based on the Weak Stock Focus.	See Umbrella Response regarding Preference.
23/2	Emphasis should be placed upon breaching the four Lower Snake dams allowing a natural current to carry salmon smolts to the Pacific Ocean.	See Response 21/1.
23/3	The 4 or 5% of generation capacity these dams provide could easily be made up with conservation measures.	See response to comment 16/2.
23/4	The four lower Snake dams are in violation of the Clean Water Act.	Please see response to comment 16/4, in particular, and the Umbrella Response regarding the Clean Water Act.
24/1	What I see here is a dusting off of an old plan and presenting it with a new look.	This policy-level analysis is distinct from other analysis prepared in the Region regarding fish and wildlife mitigation and recovery. We also feel that it will be enormously helpful in aiding future decisionmaking.
24/2	What isn't here is a thorough discussion of the issues regarding resident fish, particularly in the headwaters. ... Where is the discussion on prioritizing current needs of fish and making provision for changing priorities to accommodate resident fish?	The discussions regarding resident fish mentioned by the commenter are addressed in Sections 5.2 and 5.3 and the Sample Implementation Actions in Volume 3. These discussions provide a level of detail appropriate for a policy-level EIS. More detailed analyses of these issues were conducted as part of other EISs such as the SOR EIS and the FR/EIS. These EISs have been incorporated by reference and summarized where appropriate. See also, the Umbrella Response regarding Tiered RODs.
24/3	Where is the discussion on flow augmentation effects on the Kootenai river and the residents along the river?	This EIS is a policy-level document. As such, it addresses the environmental consequences of flow augmentation, but on a general basis (see Sections 5.1, 5.2 and 5.3, for example). Some of the environmental analyses that have been incorporated into this EIS, such as the SOR EIS, address flow augmentation more comprehensively. The impacts of flow augmentation actions on the Kootenai River and residents along the river are an important issue; however, it is secondary to the initial policy-level decision on the Region as a whole. Importantly, however, the information compiled for this EIS is designed to assist future site-specific action through the process of tiering. Accordingly, all submitted and incorporated information will become part of an administrative record upon which to build. See the Umbrella Response regarding Tiered RODs for



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		a general discussion of future decisionmaking processes.
24/4	Where is the review of reservoir elevations complete with statistics on harm to aquatic life, resident fisheries, economic concerns, and health issues resultant to dust?	<p>As discussed in the Umbrella Response regarding Tiered RODs, site-specific actions proposed subsequent to this EIS will require their own site-specific analysis. The issue of reservoir elevations, resident fish, and economic impacts is addressed in this EIS, albeit at a policy level. Certain incorporated documents (i.e., the SOR EIS and the FR/EIS) contain more detailed information. All this information, in total, will be used for future site-specific decisions consistent with the selected overall Policy Direction.</p> <p>For example, the FR/EIS, even though focused on non-storage dams, provides a useful analysis of the impacts associated with drawdown, including geology, soil, agricultural, water quality and economics. For analysis more directly focused on storage dams, please see the relevant analysis from the SOR FEIS. For a policy-level analysis, see Sections 5.2 and 5.3 of this EIS regarding the general impacts of reservoir drawdown.</p>
24/5	Where is the discussion on VAR-Q for Libby and Hungry Horse?	VARQ is an alternative flood-control strategy being considered by the Corps and Bureau, not by BPA, for operating these dams. This strategy is intended to meet other needs by better assuring reservoir refill and higher spring flows, to come closer to natural snowmelt runoff conditions in the rivers. The Corps of Engineers has recently prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for interim implementation of VARQ and intends to prepare an EIS for long-term implementation. BPA will be monitoring that analysis. The VARQ action has been included as a Sample Implementation Action in Volume 3.
24/6	Where is the discussion of tribal fishing rights and non-tribal fishing opportunities for resident fish? The Flathead and the Kootenai fishing opportunities are part of our custom, culture, and economic base.	As discussed in the last several responses, the analysis in this EIS has been prepared at a policy-level. In that regard, tribal rights and non-tribal fishing opportunities for resident fish are discussed generally in Sections 5.2 and 5.3 and the Sample Implementation Actions in Volume 3 of this EIS.
25/1	The proposed Fish and Wildlife Implementation Plan Final EIS and any associated Biological Opinions should address how Washington State Forest Practices rules will be incorporated into future plans conducted in Washington State.	No policy direction contemplates a change in the current application of Washington State Forest Practices rules. The Washington State Forest Practices rules have been incorporated by reference into the Administrative Record of this EIS, so that they will be available for consideration in future site-specific actions. Application of these rules may become a more immediate issue in the future site-specific actions tiered to this process.
25/2	It should also be made clear that future site-specific plans on all non-federal forested lands in Washington State will	The Forest and Fish Report was referenced in Chapter 2 of the DEIS on page 71 (although it was referred to as the Forest and Fish Plan). Section 2.3.2.4 of this EIS

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	be consistent with Washington State Forest Practices rules, specifically those sites where easements on private and state forested lands in Washington are obtained. We strongly encourage you to require the equivalent or higher protection for salmonids from BPA as provided by the Forests and Fish report in order to promote consistent and effective salmon recovery efforts by the federal services in the Northwest.	was updated to reflect the application of these documents to future decisionmaking.
26/1	I support the removal of the Snake River Dams to save the wild runs of Salmon and Steelhead that are going to be extinct if your timetable for dam removal is adopted. They need to be taken out immediately.	See Umbrella Response regarding Preference. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
27/1	The [Columbia-Snake river Irrigators Association] recommends that BPA managers review the New Water Management Alternative (proposed amendment now being considered by the [Council]) before making final decisions on the agency's implementation plan. There is an opportunity for BPA, working with others, to make significant changes to the existing operating regime to improve hydropower generation and fish and wildlife benefits within the region.	<p>The submitted documentation was reviewed by BPA. The evidence suggests that in-river juvenile survival is relatively inelastic, with increasing flows provided by flow augmentation within season. Better salmon recovery can be achieved by re-investing economic benefits from better management of the hydropower system in tributary improvements, including water transfers, new storage, and improved habitat conditions in the tributaries from flow and other measures there.</p> <p>This approach favors implementation of the Commercial Focus and or Sustainable Use Focus policies. Also, it argues that existing Status Quo provides limited fish benefits at high economic costs to the hydropower system and recommends the utilization of actual fish counts of adults and juvenile survival to measure effectiveness.</p> <p>BPA also examined the information submitted by commenter (Anderson, J.J. 2001. History of the Flow Survival Relationship and Flow Augmentation Policy in the Columbia River Basin. Working Paper, School of Aquatic and Fishery Sciences, University of Washington.) and noted the following:</p> <ul style="list-style-type: none"> <li>• Paper reviews the history of flow survival research to provide perspective on the evolution of the flow policy. Early theories held that fish passage survival could increase with increases in flow. However, more recent studies have refuted the theory and instead suggest that smolt survival depends on other operative variables like temperature, turbidity, distance traveled, and predators.</li> <li>• Even after being refuted, the flow survival relationship was still used because it is assumed</li> </ul>

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		<p>that if flow positively correlates with variables (e.g., temperature and turbidity) that actually do affect survival, then flow augmentation may be valuable as long as the result is higher survival. Increased flows may also improve survival outside the hydro system as a result of earlier arrival to the estuary, improved estuary conditions, and reduced delayed mortality. The flow survival hypothesis has been reformulated as a qualitative statement that flow may affect survival in the estuary and the Columbia River plume.</p> <ul style="list-style-type: none"> <li>The limits of flow augmentation need to be characterized quantitatively, especially when cumulative impacts are considered. It is suggested that a sensitivity analysis can be developed to ascribe a range of expected survivals for different levels of flow augmentation. However, an analysis must have an ecologically realistic foundation.</li> </ul>
28/1	<p>Forestlands can play a pivotal role in creating the habitat necessary for a vibrant and diverse native wildlife population. ... No matter what alternative is chosen by the Agency, incorporating increased public forest protection will be the most cost effective method for protecting fish and wildlife. [Details on benefits follow.]</p>	<p>Public forest lands already figure importantly in the Status Quo Policy Direction as a keystone in the Council's program measures addressing wildlife mitigation. Increasingly, fish and wildlife managers are also looking to forest protection to mitigate and recover aquatic species. Such actions are included in the Sample Implementation Actions in Volume 3 of this EIS for the various alternatives.</p>
29/1	<p>[Inland Ports and Navigation Group] strongly urges BPA to reject any and all analyses or options, recommendations or initiatives that could limit river navigation from the mouth of the Columbia to Lewiston, Idaho.</p>	<p>BPA has an obligation to examine all reasonable alternatives in the EIS, and not to pre-judge any such alternatives. However, the final decision will be based upon consideration of all the information within the Administrative Record, including public comments. Knowing the preferences of various organizations is helpful. We will also consider the data and analysis in the FR/EIS regarding the impacts associated with breaching the four Lower Snake River dams; in particular, Section 5.9 addresses the important issue of transportation.</p>
29/2	<p>As BPA may recall from IPNG's previous administrative submission, we have endorsed a variety of fish species recovery measures, submitting a number of specific recovery measures and implementation programs that we believe will contribute to recovery of listed fish species.</p>	<p>See the Sample Implementation Actions in Volume 3 of this EIS for related and additional action ideas.</p>
29/3	<p>IPNG ports are specifically authorized by their respective states to promote navigation and economic development.</p>	<p>The background information on regional ports and IPNG's members will be added to the Administrative Record for this EIS. Additionally, see Sections 5.1, 5.2 and 5.3. of this EIS regarding navigation and economics.</p>

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29/4	<p>IPNG is disappointed by the failure of BPA to address the role of the ocean in shaping for better or worse the survival of listed species. ... IPNG urges that another H: High Seas, be added to the workscope and funding programs of BPA.... A clearer discussion led by BPA in the region about how adverse ocean conditions can erode recovery successes and erase short-term recovery gains would</p> <p>provide a more sober outlook as to assess future successes and initiatives.</p>	<p>BPA has added text to this EIS in Section 5.1.1.5 and Appendix F regarding ocean conditions and associated effects. See, also, the FR/EIS, Appendix A.</p>
29/5	<p>A chapter that addresses how local recovery efforts are important in reaching any and all of these goals [steps and planning by local fish recovery groups] would have been welcome. ... Broad local support is required for a successful regional species recovery. ... BPA should encourage such regional and local efforts by folding them into BPA recommendations.</p>	<p>BPA agrees that local recovery efforts can be very important in achieving short and long-term goals. BPA has incorporated any identified local recovery planning efforts into this EIS. Pursuant to the NEPA process, we are encouraging all individuals to participate. See Volume 3 for Sample Implementation Actions which can be done by any entity.</p>
29/6	<p>IPNG suggests that putting the lack of progress into the context of money spent since passage of the Regional Act would be a useful addition to this paper at this point [chapter 1].</p>	<p>Chapter 2 reflects much of what you suggest. Before the passage of the Regional Act in 1980, BPA used its broad general funding authorities to fund over \$40 million in mitigation projects. Since the passage of the Act and its express provisions requiring BPA to mitigate fish and wildlife, BPA has incurred costs of over \$6 billion (see Section 2.3.2.3 of this EIS for more details). BPA has followed most of the recommendations of the Council's Fish and Wildlife Program. Whether the hatcheries, harvest opportunities, habitat acquisitions and improvements, and hydrosystem changes constitute progress, has been and continues to be, a matter of debate within the Region. The money spent to date has not resulted in an acceptable recovery or delisting of some fish and wildlife species, which may reflect more on the complexity of the task than on the effectiveness of BPA's actions. Please also see the Northwest Power Planning Council's Inaugural Annual Report of the Columbia Basin Fish and Wildlife Program 1978-1999; it identifies costs in several ways based on data BPA provided.</p>
29/7	<p>IPNG recommends including in the final EIS a discussion of the lack of accountability and measurement standards that, only recently, now are being developed and implemented. ...</p>	<p>BPA is addressing this issue. Any alternative adopted by the Administrator will include the underlying accountability standards found in BPA's new Fish and Wildlife Policy Manual (Nov. 7, 2001). In addition, the NMFS and USFWS BiOps on hydrosystem operations,</p>

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	Stronger performance standards and higher initial standards in awarding various proposals over the years would have made better use of scarce regional resources.	and the plans to implement them, contain various performance standards by which mitigation and recovery efforts can be tracked.
29/8	IPNG also suggests that an examination of how narrower thinking within the various regional groups resulted in such a hydro-centric use of funds for nearly 20 years. If harvests had been curtailed more, if habitat restoration had been a higher priority and if hatchery issues had received more attention, ... the region might well have been farther along in recovery efforts.	We agree that the hydrosystem has been the main focus of fish and wildlife recovery and mitigation efforts. The new Basinwide Strategy (formerly known as the "All-H") approach is meant in part to help provide a guide for recovery planning efforts to ensure that all Hs (habitat, harvest, hatcheries, and hydro) contribute as necessary and appropriate to achieve the goals of the ESA.
29/9	We believe that the tiered approach for implementing actions is a worthy attempt to b[r]ing some structure to the implementation phase.	See Umbrella Response regarding Tiered RODs.
29/10	Given the centerpiece role of navigation in developing the current Columbia Snake hydro system, IPNG suggests that a paragraph should be included in the final EIS describing the role of navigation akin to that of Flood Control.	Reference to the IPNG comment letter and the role of navigation in the FCRPS has been included in this EIS in Sections 2.3.1.2, 2.3.1.3, and 2.3.2.2.. Sections 5.2 and 5.3 of this EIS addresses analysis of transportation, including navigation and barging. Also, please see the FR/EIS, Section 5.9 for a more detailed background on navigation on the Snake River.
29/11	"Congress also stated that environmental protection should not interfere with the Corps preexisting duties of navigation improvements and flood control (33U.S.C. Sec 2316(b))." IPNG requests that this reference be included in BPA's final EIS.	We did reference this language in the Draft; and it is in this EIS in Section 2.3.2.2.
29/12	IPNG suggests that a missing issue ... is protection of rural and smaller community economic health.	Section 5.2.3 in the Draft EIS, under the "Regional Economy" heading, has been expanded in this EIS to address "rural economies." The title has been changed to "Employment and the Regional Economy" in Section 5.2.3.2 of this EIS. In addition, information regarding rural communities can be found in the following sections: <ul style="list-style-type: none"> <li>• Section 5.1.2, Economic and Social Environments, which discusses the importance of natural resources and rural communities;</li> <li>• Section 5.1.2.1, Agriculture, Ranching, and Forest Products;</li> <li>• Section 5.1.2.2, Recreation.</li> <li>• Section 5.3.3.1, Table 5.3-5B, under Other Industry, Industrial, Residential, and Commercial Development, and Employment have been</li> </ul>

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		expanded to include discussions and analysis about the effects on rural communities.
29/13	[Re: Status Quo Policy Direction] IPNG believes that the hydro system must be operated in a way that protects navigation as an authorized purpose when the projects were developed, and that administrative actions may not curtail Federal agencies from meeting this requirement.	As hydrosystem managers, BPA, Corps, and Bureau are well aware of their obligations to navigation, as well as the direct and indirect impacts that would occur to navigation as a result of breaching the Lower Snake River dams. See responses to comment 29/10 and 29/11, above. These impacts are discussed in detail in the FR/EIS, which has been incorporated by reference into this EIS.
29/14	[Re: Natural Focus Policy Direction] At a time when BPA is straining under an uncertain energy market, IPNG believes that this focus should be discarded, so that reasonable evaluations of others can be reviewed.	See the Umbrella Responses regarding Preferences and Scope of the EIS. BPA has an obligation to examine all reasonable alternatives in this EIS, and not to pre-judge any such alternatives. However, the final decision will be based upon consideration of all the information in the entire record, including public comments.
29/15	IPNG requests that clarifying the scope of the measure [re: Reservoir Levels] precede any further discussion of this item: lower only to MOP. ... IPNG urges that this element [Navigation and Barging element (7-1) of the Status Quo] be expanded to remind readers that exports from the Columbia Basin compete in world markets primarily because of the efficient water transportation system that has made them attractive for many years in world markets.	Clarifying information has been added in Section 5.3, under Transportation, to enhance the reader's understanding of the navigation and barging issues.
29/16	The list of sample implementation actions that focus on removing and/or breaching mainstem and Lower Snake dams serves little purpose. It also exceeds any administrative authority ... [as it might affect navigation].	See the Umbrella Responses regarding Preferences and Scope of the EIS. Such Sample Implementation Actions are included as part of the Natural Focus alternative to help the reader understand the types of actions that define a Policy Direction alternative based on regional proposals for fish and wildlife mitigation and recovery. Clearly, some of these sample actions exceed existing authorities; however, that does not preclude their inclusion in the EIS as described in the Umbrella Response on Scope of this EIS.
29/17	If BPA does not reject this [Natural] Focus, IPNG urges consultation with the Maritime Administration, whose studies rebut the assertion under Transportation, Trucking and Railroads (7-1) urging "Provide support for alternative forms of transportation of agricultural and other products including improved rail service."	See Umbrella Response regarding Preferences. BPA has included additional clarifying information on transportation issues, specifically on navigation and barging, in Sections 5.1, 5.2, and 5.3 as noted in above comment responses. The information in those Sections has been included in BPA's Preferred Alternative (PA 2002) which is defined and analyzed in Chapter 3. This information provided by IPNG will be included in the

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		record for this EIS. Please see the FR/EIS, Section 5.9, for detailed information on the Lower Snake River dams.
29/18	The most effective methods given in this section [Weak Stock Focus] of the sample actions [Re: Predator control] be implemented without delay.	BPA has considered these and other potential actions in reaching its PA 2002 in Chapter 3 of this EIS. For more detailed information on predation, see also NMFS White Paper on Predation (Predation on Salmonids Relative to the Federal Columbia River Power System White Paper. Northwest Fisheries Science Center, National Marine Fisheries Service and National Oceanic and Atmospheric Administration. Seattle, Washington. March 2000).
29/19	IPNG believes that deepening the channel, when combined with mitigation and restoration activities now under discussion, will make the lower Columbia a cleaner and fish friendlier river than it is today.	Channel modifications have been included as Sample Implementation Actions (Volume 3) under the Natural Focus, Weak Stocks, and Sustainable Use Focus Policy Directions. Channel work has also been noted as actions that have taken place under Status Quo. The PA 2002 identified in this EIS is largely a combination of the Weak Stock Focus and Sustainable Use Focus, which means the Sample Implementation Actions associated with these Policy Directions could be considered while  the PA 2002 is being followed. The commenter's preference has been noted.
29/20	Harvest reductions set out under Item 2 [of Weak Stock Focus actions] deserve implementation in various forms so as to help weak stocks recover.	This comment and others related to harvest have been noted and considered in reaching the PA 2002. For additional discussion of harvest issues see Section 2.3.2.3 in this EIS. Also, NMFS has directed several analyses towards a critical quantitative scrutiny of harvest and the risk it poses (if any) for ESUs. These analyses are now incorporated into Appendix A, Anadromous Fish of the FR/EIS. Appendix A incorporates a manuscript by McClure et al. (2000) regarding 11 ESUs in the Columbia River Basin; this report includes an explicit analysis and discussion of risk due to harvest for each of the 11 harvested ESUs in the Columbia River Basin. Better resolution of harvest risks will require a program in which all hatchery fish are marked, a point made in both the McClure et al. (2000) report and in the Basinwide Strategy ("All-H") document (Federal Caucus 1999b).
29/21	Where harvest is possible, ... tribal harvest has priority over sport and commercial lower river fishing.	Harvest regulations will be set by the state, Federal, and tribal entities with authority in that area.
29/22	IPNG would be happy to provide BPA with a copy of its submission to the corps considering moving to Phase II of John Day Drawdown Study. In those comments, IPNG makes a str[o]ng and	Comment noted.

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	compelling case in warning of adverse effects from such a move.	
29/23	Considerable evidence, some of [it] anecdotal we realize, suggests that summer water temperature in the lower Snake canyon prior to the four Snake Dams was <u>hot</u> , far exceeding in its natural state the CWA temperature standards.	The U.S. Army Corps of Engineers, as the owners and operators of the four Lower Snake River dams, have been actively analyzing the effect of these dams on the water temperature of the river. For more information about the results of the Corps' analyses, please see the Umbrella Response regarding the Clean Water Act in this EIS, as well as the Corps' FR/EIS.
29/24	... the suggested action of eliminating barge transportation to Lewiston, Idaho .... This idea does not withstand any reasonable real-world scrutiny, and never would take place. First, the costs of upgrading rail facilities are too great. ... Second, there are inadequate facilities down-river to transfer all the existing cargo to ocean carriers at downriver ports ....	We recognize and have recorded your opposition to this sample action; however, it is in this EIS as a component of one of the reasonable alternatives. BPA will make a final decision base upon the entire record. See also Umbrella Responses Scope of the EIS and the Reason for the EIS. Also, refer to the FR/EIS at Section 5.9.
29/25	IPNG is baffled what "shallow draft" barges Bpa is mentioning [under discussion of Transportation].	The action referred to is from the Concept Paper, 7B, submitted under the Council's Framework process. It is not totally clear to BPA what was meant by the proposed action submitted during that process, but BPA included it as a possible Sample Implementation Action as a means to have a more complete list and full disclosure of actions proposed throughout the Region for fish and wildlife mitigation and recovery. The proposed action has been moved to the Natural Focus sample actions to be more in line with the definition of that alternative.
29/26	The lower costs of barge transportation make many PNW export products competitive, and this competitive advantage would contract or erode completely if the goods were forced onto more expensive rail or trucks for transportation.	Competitiveness is determined by a variety of factors, including international market conditions, exchange rates, internal trade, and agricultural policies, and many other factors. Section 5.3 has been enhanced to include more specifics about transportation changes and costs, as well as examples. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, including the transportation analysis in Section 5.9.
29/27	IPNG encourages BPA to fund an examination of a one concerning aspect .... Is the use of netting for commercial harvest a guarantee of weaker stocks after a decade where the <u>larger</u> fish are harvested, and only the <u>smaller</u> fish escape the nets?	An action has been added to the Sample Implementation Actions in Volume 3, under Research, Monitoring, and Evaluations, item 9 Commercial Harvest. Also, see item 2 Harvest in the same Sample Implementation Actions for other related suggestions.
29/28	[Commenter argues for] benefits of habitat restoration, the absolute requirements for Federal agencies to	BPA agrees with the need to increase efforts in habitat restoration and predator control. Review Section 5.3 and the PA 2002 at the end of Chapter 3 in this EIS for



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	control predation by terns and pikeminnows, ... written submissions urging culvert replacement. ... They emphasize the need to step up efforts in this area and to look for ways that make the most of limited funding.	additional discussion of the habitat and predation issues.
29/29	Taking steps to improve fish passage at [dams] on the Columbia and Snake has been a good use of funds, and should continue to receive appropriations from Congress ....	See Umbrella Response regarding Preferences.
29/30	[For navigation and barging losses] IPNG opposes ... compensation schemes .... Compensation schemes also almost always help a few parties and ignore the secondary and tertiary impact of a loss of this essential service ... ignoring the ripple effect in the community from loss of barge transportation.	See Umbrella Response regarding Preferences. There is no reason why compensation schemes could not be developed to assist persons affected by secondary and tertiary economic effects. The ability to develop and implement an effective compensation scheme would be a regional issue requiring discussion and debate. The issue would involve work from the policy level to the project specific level (see the Umbrella Response for the Concept of Tiered RODs). BPA currently lacks the legal authority to provide economic mitigation to those adversely affected by fish and wildlife mitigation and recovery actions.
29/31	IPNG believes that predation control is an overarching action item that must be a centerpiece for any and all implementation plans.	See Umbrella Response regarding Preferences. Also, see NMFS White Paper on Predation (Predation on Salmonids Relative to the Federal Columbia River Power System White Paper. Northwest Fisheries Science Center, National Marine Fisheries Service and National Oceanic and Atmospheric Administration. Seattle, Washington. March 2000).
29/32	IPNG supports ... continued navigation [under Commerce Focus] ... but [is] concern[ed] that this Focus suffers from a lack of commitment to species recovery, which IPNG supports.	See Umbrella Response regarding Preferences. While Commerce Focus commits less public resources to species recovery measures than other alternatives and more reliance on individuals and the private sector, we did not mean to imply a lack of commitment.
29/33	IPNG supports ... Juvenile Fish Passage and Transportation.	See Umbrella Response regarding Preferences.
29/34	IPNG believes that the Draft EIS language describing the Corps role regarding multiple purpose projects might be strengthened.	The objective of the table was to summarize general responsibilities, not to express the importance. Other parts of this EIS have been enhanced to better articulate the Corps, as well as others, multiple uses of the river such as Chapter 2 and 5.
29/35	IPNG urges a more complete discussion of [increased sedimentation and consequences] from breaching the Lower Snake Dams ... [including] impact on Lake Wallula ... [and] the Wildlife Refuge at the junction of the snake and Columbia Rivers.	As in the Draft EIS, this EIS in Chapter 5 discusses sedimentation as an effect, under existing conditions, and across the five basic Policy Direction alternatives. In Section 5.3, Table 5.3-3B: Water Effects Across the Policy Directions Analysis, sedimentation has been analyzed at an appropriate level of detail for the policy-level analysis in this EIS, and information on removal of

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		Lower Snake River dams from the Corps' FR/EIS has been incorporated to provide examples of the effects being discussed. Site-specific impacts would be addressed in the event of a project-specific proposal triggering such impacts and tiered back to the analysis in this EIS (see the Umbrella Response for Tiered RODs). Impact analysis to a particular wildlife refuge is unnecessarily specific for a functional policy-level analysis. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Section 5.4 on Water Quality.
29/36	A second sedimentation impact meriting greater scrutiny ... [if] breaching is not off the table is the potential release of possibly hazardous material that now are encased in the silt behind the Snake Dams.	Please see Responses 12/7 and 29/35 above. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Section 5.4 on Water Quality.
29/37	IPNG agrees with the ... warning of the impact of potential introduction of zebra mussels into the Columbia Basin streams. ... This brief discussion does not adequately warn how such introduction could put at risk all basin-wide recovery efforts for species recovery. ... The impact on the food chain of the zebra mussel and its impact on intake pipes, piers and docks and any other structures is severe.	Additional discussion on exotic species has been added to this EIS in Section 5.1 and 5.2.
29/38	IPNG opposes efforts to reduce gas supersaturation by dam removal or lowering reservoir levels.	See Umbrella Response on Preferences.
29/39	IPNG urges that further discussion of temperature extremes ... discuss high water temperatures in the Lower Snake Canyon prior to construction of the four Lower Snake Dams.	See the Umbrella Response on the Clean Water Act; also see the FR/EIS for a discussion of historical temperature data in Section 4.4 and Appendix C.
29/40	Reduced harvest by commercial and lower river sport fishers provides a way to strengthen listed species. ... After species have recovered and are removed from the ESA lists, then commercial and lower river sport fishing could return.	Please see the response to comment #20 of this letter. Also, harvest limitations are a valid consideration and consistent with certain policy directions. Please refer to the general description of the alternatives in Chapter 3.
29/41	The BPA discussion [of major environmental consequences for humans from common fish and wildlife actions] is not extensive enough to caution the region about the variety of adverse environmental impacts the region would	See Umbrella Responses regarding the Qualitative versus Quantitative nature of this EIS and Tiered RODs. When BPA selects a Policy Direction and proposes to implement specific actions, the impacts will be compared against those in this EIS to ensure that the site-specific impacts are of the kind and magnitude

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	face as a result of certain actions—most of them supposedly pro-species recovery. BPA's brief discussion of mitigation measures is cursory and ignores severe adverse impacts that would result.	anticipated in the EIS.
29/42	The discussion of power generation and transmission is welcome but its s[h]ort discussion merits useful details.	The discussion and analysis of power generation and transmission has been expanded throughout this EIS, specifically review Sections 5.1, 5.2, and 5.3.
29/43	Although IPNG agrees with the points made in the bullet points and in the brief discussion following it, IPNG believes that this cursory report [on dam breaching/drawdown] overlooks many adverse impacts. The D[r]aft EIS ... overlooks secondary and tertiary impacts from dam breaching. We are disappointed that transportation and the complex series of interrelated adverse impacts are not accorded greater attention ....	The transportation Section 5.2.3.2, and Tables 5.3-1B and Table 5.3-5B. Also refer to Section 5.9 of the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams.
29/44	In the discussion of agriculture and forestry and the adverse impact, BPA also gives short shrift to the widespread impact from the loss of water transportation.	See response to comment 29/43 above.
29/45	IPNG is disappointed that this same concern for the farming communities and inland communities did not strike BPA drafters of the EIS as meriting equal consideration as coastal communities and commercial fishing boat deckhands ... nor for towboat and barge operators who face similar financial issues.	Additional information has been added to this EIS related to this subject. See comment response to 29/12 above.
29/46	IPNG notes that the recreation discussion that examines the impact from breaching contains no discussion of the impact on the people whose marinas are made useless by drawdowns or breaching ....	Discussion regarding marinas has been added in Section 5.1.2.2 and Table 5.3-5B: Other Recreation in this EIS. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, including Section 4.13 on recreational facilities.
29/47	BPA's discussion of impacts on the pulp and paper industry ... [should] focus specific attention on the Boise Cascade plant in Wallula, Washington, and the range of adverse environmental impacts it would face if the Snake Dams were breached. [Commenter can provide details about siltation.]	The existing discussion is adequate for the policy-level analysis in the EIS. See Umbrella Response regarding Tiered RODs. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, specifically Chapter 5 and Section 5.17.7.
29/48	IPNG questions the value of "non-consumptive use" ....	It is important for a comprehensive policy review of fish and wildlife mitigation and recovery to address concerns

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		for consumptive and non-consumptive uses. The non-consumptive use referring to bird watching is only provided as an example of existence value some people may have toward fish and wildlife recovery issues, and it is not intended to be all inclusive of non-consumptive uses. The comment has been noted as part of the Administrative Record for this EIS.
29/49	The sharply increased costs associated with protecting cultural resources exposed by a drawdown should be among those elements added to [other adverse effects] by BPA.	Additional information has been incorporated into the this EIS to provide more examples and illustration of effects associated with cultural resources. See specifically, Sections 5.1.2, 5.2.3.3, and 5.3.3.4 of this EIS. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, including Section 5.7 on cultural resources.
29/50	IPNG challenges BPA to show that any transportation is "efficient" when compared to barge transportation.	The intention of this EIS was not to create the idea that forms of transportation other than barging are more efficient. We recognize, to reduce net costs of loss of barge transportation, the new transportation system would need to be as cost-effective as possible. This does not imply that the new system would be more efficient than barging, or that it would be less environmentally damaging. See Sections 5.1, 5.2, and 5.3 regarding transportation.
29/51	Figure 5-21 appears to incorrectly depict the impact from the Natural Focus on navigation. ... Navigation is depicted as having "Lesser Magnitude/Intensity", whereas trucking and railroad are shown as having a "Greater Magnitude/Intensity."	The figures referred to have been eliminated in this EIS to avoid confusion over what was meant by "the intensity" in which actions are used across the Policy Direction alternatives.
29/52	IPNG requests clarification of the role of navigation in Natural Focus and in Weak Stocks [with regard to breaching].	See Section 5.3.3.1, regarding transportation in this EIS.
29/53	To make these issues more confusing, it appears in Table 5.3B "more" means "worse" in one description and "less" means "worse" in all the others. Later, Chart 5.4-1, uses "more" to equal "better" in some illustrations and "worse" in others. This is confusing and should be redone.	The description of what constitutes "worse" and "better" has been clarified better in Section 5.3 of this EIS.
29/54	IPNG wishes to engage BPA in a consideration of the rights of navigation to assist in its preparation of a final EIS for its fish and Wildlife Implementation Plan.	We appreciate the information provided and have made multiple modifications to this EIS as a result. IPNG has been very helpful.
29/55	IPNG wishes to call to the attention of BPA the unique way that navigation	We have noted the views of the commenter concerning the limitations of the CWA due to navigational rights.

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	intersects with the Clean Water Act. We hope that the discussion that follows will help guide GBPA officials in drafting the Clean Water Act aspect of the Final EIS in a way that comports with existing limits to CWA.	<p>Section 1.1, Introduction, of the EIS acknowledges that the Policy Direction selected by BPA will be shaped by existing laws and mandates. These laws include the applicable requirements of the CWA, as interpreted by the courts and appropriate regulatory agencies and modified by Congress over time.</p> <p>The views expressed by this comment primarily address the interplay of the CWA and navigational rights related to operation of the Lower Snake River dams, which are owned and operated by the Corps, not by BPA. As discussed in the Clean Water Act Umbrella Response, the Corps' Final FR/EIS assesses four alternatives (including a dam-breaching alternative) for improving juvenile salmon passage through the hydropower system on the Lower Snake River. In its September 2002 ROD for the FR/EIS, the Corps decided to adopt and implement Alternative 3—Major System Improvements (Adaptive Migration), which does not involve breaching or removing the four Lower Snake River dams. The FR/EIS notes that the Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. 1344 as amended, preserves the public right of navigation and prevents interference with interstate and foreign commerce. The FR/EIS also states that the Corps would require Congressional approval of any alternative involving dam removal or breach, and that this approval would need to include Congressional consideration of effects to navigation in relation to the Rivers and Harbors Appropriation Act of 1899.</p>
29/56	IPNG attaches as Appendix A to these comments a discussion of how the Lewis and Clark Expedition was viewed by President Jefferson as one with clear commercial goals' ... the Expedition's goal was to find a water-centric transportation route linking the two co[a]sts.	We edited Chapter 2 (in Section 2.3.1.1), accordingly.
30/1	We need the dams. ... Pulling down dams will not save the fish ... will not fix an acute energy crisis. ... will credit you with creating a food crisis.	Comment noted.
31/1	[Re:] "some species of fish and wildlife continue to decline." I take exception to this statement as the dam counts for the years 2000 and 2001 show increased salmon and steelhead runs if not record runs.	Even though some species show larger populations in 2000 and 2001, this does not necessarily indicate a long-run trend for all stocks, and other resident species have been declining.
31/2	Dr. James J. Anderson of the University of Washington School of Fisheries would take great exception to [statement that	We agree that the ocean likely plays a dominant role in how many migrating juvenile salmon and steelhead return as adults and that some stocks have experienced a

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	"there is no clear scientific answer"]. [Commenter cites Anderson's September 1997 article titled "Decadal Climate Cycles and Declining Columbia River Salmon" ... on Pacific Decadal Oscillation (PDO).]	<p>dramatic increase in the past few years. The issue the Region faces is that the fish that are listed as endangered and threatened under the ESA are wild salmon and steelhead populations. Hatchery fish comprise about 80% of the returning adults.</p> <p>The effects of the FCRPS on the listed fish include changes in volume and timing of flow, and a small amount of mainstem habitat loss for fall chinook salmon. Our efforts in freshwater will be successful only if the favorable ocean conditions continue, but the factors that cause El Niños to return are not well understood and the timing is not predictable. The magnitude of the swift positive change in ocean conditions between 1998 and 1999 was not anticipated; we can only speculate when conditions will return to those of the early 1990's.</p> <p>An emerging understanding of an influence that may further exacerbate our work is global warming. The 1990's saw record high temperatures with one El Niño after another instead of a decade of separation. If that scenario returns, we may be greatly frustrated in the attempt to maintain our present gains. Part of the answer is to continue the work in freshwater, but possibly more important is to gain an understanding of why some stocks survive better in the ocean than others. By gaining this insight, we may be able to improve ocean survival in good and bad years through improvements in areas such as freshwater habitat and timing of flow.</p>
31/3	[Commenter citing Anderson's opinion on Plan for Analyzing and Testing Hypotheses (PATH) and NMFS Cumulative Risk Initiatives (CRI).] These analyses are based on data that is not representative of current conditions. Most significantly the CRI and PATH Analyses do not reflect the possibility that the ocean can shift quickly into a regime favorable to Columbia River salmon and steelhead.	See previous comment above. Regarding the reference to PATH being outdated, see comments 34/3 and 44/13 for a contrary point of view.
31/4	Since the food chain in the ocean is close to optimum, the food chain in the natal streams need to be upgraded with either salmon carcasses or by fertilizer briquets that are being used by B.C. biologists on Vancouver Island to increase the steelhead and salmon populations.	This comment has been included as a Sample Implementation Action in the Anadromous Fish (1-1) portion of the Habitat section in the following Policy Directions: Weak Stock Focus and Sustainable Use Focus.
31/5	The only alternative of the DEIS that I can honestly support is Status Quo.	Comment noted. See Umbrella Response regarding Preferences.

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31/6	I particularly support moving all hatchery management to the tribes.	See Umbrella Response regarding Tiered RODs and the Governance discussion in Chapter 6. Moreover, we suspect the states that own many of the hatcheries would disagree with this suggestion.
32/1	On its face, the DEIS is inconsistent. On one hand, BPA seeks to identify the specific path the region is most likely to take as a unified approach to fish and wildlife mitigation, and states that it must implement a mitigation and recovery strategy even if the region fails to agree on a single policy direction. ... On the other hand, the DEIS states that BPA is not unilaterally selecting a policy direction. (Draft/ES-v)	See response to comment 18/7. BPA is working hard, through its implementation of the NMFS and USFWS BiOps, and the Council's Columbia River Basin Fish and Wildlife Program, to complete a unified fish and wildlife mitigation and recovery policy. However, the timing and ultimate success of that effort is uncertain. In any event, BPA is obligated to fund and implement fish and wildlife mitigation and recovery actions before, during and after these policy-level deliberations. BPA also has a statutory obligation to understand the environmental consequences of its actions and provide an opportunity for the public to participate in agency decisionmaking. This EIS is designed to meet the immediate and future needs of agency decisionmakers and the public for information regarding the impacts of mitigation and recovery actions proposed for implementation by BPA. However, if the Region fails to agree upon a Policy Direction, BPA must still implement and fund a fish and wildlife mitigation and recovery strategy.
32/2	[Public Power Council] urges BPA to emphasize this description of the problem [lack of success to date as due to contrasting values and priorities in the region, no clear scientific answers, conflicting directives, absence of comprehensive plan, and inefficiencies in implementation and funding] in the EIS. ... BPA should declare that many of these problems are not the responsibility of BPA or its customers nor do they involve operation of the FCRPS.	See Umbrella Response regarding Tiered RODs, Scope, and Reason for the EIS. We believe the history recounted in Chapter 2 makes this point.
32/3	Until federal salmon management policies are clarified, there is a danger that BPA will fund measures that prove to be counter-productive ... BPA should use this EIS and all available means to stress to fisheries managers the importance of resolving their fisheries management challenges.	Comment noted. We share the desire to maximize the effectiveness of available funds. See Chapter 1, Purpose and Need for the EIS.
32/4	How does BPA interpret its responsibilities under multiple federal obligations?	Some of the varying responsibilities in regional fish and wildlife mitigation and recovery are described in Chapter 1, Sections 1.1 – 1.3. However, the statutory obligations most commonly debated within the Region originate from the ESA, the Regional Act, and the CWA. BPA's different responsibilities under these Acts

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		are discussed in Section 2.3.2.1 of this EIS. We have prepared an Umbrella Response to the Clean Water Act. See also, Appendix B, Section B. Information regarding how BPA may see its role affected under different Policy Directions is provided in the Purposes table in Chapter 3, and will be used in decisionmaking.
32/5	BPA can and should ... emphasize the importance of a unified plan in its EIS and use its influence to put [an] end to funding of uncoordinated, inconsistent and counter-productive measures.	Unified planning will be at the heart of any action alternative adopted under this EIS. Regardless of the alternative, BPA will continue to work to integrate its mitigation and recovery obligations under both the Regional Act and the ESA.
33/1	Please review my concern on the definition of surface bypass.	This comment has been combined with comment 33/2 and 33/3 to form a Sample Implementation Action, which has been incorporated into the research, monitoring and evaluation table found in Volume 3.
33/2	Please incorporate in the vast list of alternatives and analysis a section on naturalized bypass systems that strive to mimic the in-stream like conditions. These systems would bypass both adults and juveniles fish of all species.	See above.
33/3	Please include reference to and analysis of ... an alternative mechanism to encourage fish to enter ... natural surface bypass systems.	See above.
34/1	The statement that "There is no clear scientific answer to the problem" is misleading.	We believe that there is no clear and agreed-upon scientific solution, as demonstrated by the following: (1) if the science were clear on fish and wildlife recovery and mitigation issues, there would not continue to be as much divergence or rancor in the ongoing debate regarding this issue in regional processes; (2) based upon the comments on this EIS alone, we see the major disagreements that exist (i.e., there is not agreement on the actions to take, what their overall effect might be, or what trade-offs are acceptable); and (3) some people would still argue that fish and wildlife continue to decline even in light of many actions that have already been taken. Note that we have more accurately reworded the statement in Chapter 1 and other places it appears in the EIS.
34/2	The DEIS ... lacks goals and a decision framework that permits an evaluation of actions in meeting the goals.	Goals and decision frameworks are typically the language of programs, such as the Columbia Basin Fish and Wildlife Program. Nevertheless, BPA believes that the "goal" in this EIS is similar to the Need for Action. The Need and the "framework" to evaluate the possible policy choices are the Purposes identified within Chapter 1, of this EIS. See also the Umbrella Response regarding Tiered RODs.
34/3	It seems disingenuous for BPA to omit all	Some of the other commenters suggested that the PATH



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	mention of PATH and then declare that "There is no clear scientific answer to the problem."	process model was outdated. (See comments 18/13 and 31/3 for a contrary point of view). As can be seen from the many comment letters received on this EIS, there is still much disagreement about what is needed scientifically to achieve successful fish, and wildlife, recovery in the Region. Also, see response to comment 34/4, below.
34/4	[Columbia River Inter-Tribal Fish Commission] commissioned [use of a] decision framework to evaluate an "All H" approach to salmon recovery. This document (Marmorek et al 2000 ...) is consistent with prior PATH documents and indicates the likelihood of recovery is largely governed by actions taken to substantially reduce hydro related mortality. BPA should acknowledge this and previous PATH analyses in the final EIS.	<p>The copy of the Marmorek et al, December 2000, Analysis has been reviewed by two members of the PATH workgroup (Paulson and Hinrichsen, November 2001). NMFS, through the Cumulative Risk Initiative (CRI), has identified risks of extinction and the timeline during which actions must be taken to prevent extinction. NMFS has published the 2000 FCRPS BiOp, which sets out a series of Pacific Northwest actions that are intended to prevent extinction and lead to recovery. See, also, the FR/EIS at Appendix "A, Anadromous Fish clearly reflects a shift on the part of NMFS towards relying more on CRI analyses rather than PATH analyses. This shift, however, has nothing to do with a rejection of collaborative science. Instead, NMFS was reacting to criticism of PATH expressed by an ISAB review and by a failure of PATH to include the four most recent years of run-reconstruction data or the most recent PIT-tag data regarding differential delayed transportation mortality." We have reviewed the Peters et al. (2000) in order to assess its relevance to the June 2001 Draft EIS (BPA 2001). In summary, we think that their analysis – and much of the previous PATH modeling – does not comport very well with recent life-stage survival estimates. The specific data-related issues that we believe are problematic include the following:</p> <ul style="list-style-type: none"> <li>• Downstream stocks as controls. Recent estimates (CSS study, FPC 2001) suggest that SARs for downriver hatcheries are much lower than for upriver fish.</li> <li>• Recent estimates of in-river survival. They use FLUSH for downstream (smolt) survival rates, even though FLUSH projects lower survival than recent PIT tag estimates.</li> <li>• "D" values. The "D" values used are considerably lower than those derived from PIT tags, causing some odd results.</li> <li>• Off-site mitigation assumed to be ineffective. The analysis uses very low values for survival increases from off-site mitigation compared to recent PIT-tag estimates.</li> <li>• SARs do not comport with recent estimates. The analysis assumes that SARs of transported fish will continue to be low (0.5%) indefinitely, compared to recent estimates of 2-4% (FPC 2001).</li> </ul>

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		<ul style="list-style-type: none"> <li>Problematic upstream survival rates. The assumed survival of adults moving upstream through the hydrosystem is both lower than estimates derived from PIT tags or radio tags, and is assumed (based on no data at all) to increase to 1.0 for drawn-down reaches.</li> </ul> <p>There are also a number of issues that are less data-driven, but are still important:</p> <ul style="list-style-type: none"> <li>Inconsistency in treatment of constraints on management actions. The analysis treats habitat improvement and hatchery output reductions as institutionally infeasible, but largely ignores institutional constraints on dam breaching.</li> <li>Out-of-date expert opinion. The weight-of-evidence appraisals pre-dated the past 5 years of PIT tag data and the last 2 years of high jack and adult returns.</li> <li>Probability of extinction is essentially zero for all stocks, scenarios, and management actions, much lower than 2000 BIOP estimates due to an optimistic production function.</li> </ul>
34/5	Although the DEIS claims that the status quo is unacceptable, it continues to support hydro operations that rely on transportation.	BPA meant that the mix of actions making up the Status Quo, without clear policy guidance, is unacceptable. It is a misuse of the statement to apply it to each individual action such as juvenile salmonid transportation.
34/6	The Tribes support habitat protection and restoration	See Umbrella Response regarding Preferences.
34/7	In the past 12 months, [CRITFC] has provided extensive comments to the Bonneville Power Administration on salmon recovery issues ....	BPA has incorporated multiple processes into this EIS by reference, including the comments received during those processes. These comments have been incorporated into the different Policy Directions when possible. For example, actions from the Spirit of the Salmon have been included in the Sample Implementation Actions in Volume 3.
34/8	We also submitted substantial recommendations to the Northwest Power Planning Council for amending its Fish and Wildlife Program to address the operations and configuration of the regional hydropower system. We request that you consider the recommendations contained in these documents and that they be made a part of the record for this EIS.	BPA has considered the Council's 2000 Fish and Wildlife Program for this EIS. Sample Implementation Actions have considered and included actions from these documents (see Volume 3).
34/9	Wy-Kan-Ush-Mi-Wa-Kish-Wit is based on sound science. BPA should acknowledge the available science.	BPA has used Wy-Kan-Ush-Mi-Wa-Kish-Wit as a resource for actions included in Volume 3 (Sample Implementation Actions). See response to comment #7 of this letter.
35/1	All of the proposed Alternatives listed by	Comment noted. BPA believes, nevertheless, that some

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	Bonneville Power Administration ... have the potential to negatively impact the agriculture industry in the state of Washington. Obviously, the Alternatives which propose removal of dams would have a larger negative impact on agriculture than the other Alternatives.	alternatives have potential to affect the agricultural industry positively. For example, the Commerce Focus could reduce regulation and costs associated with species protection, thus potentially benefiting the agricultural industry. BPA is very aware of the negative impacts that breaching the four Lower Snake River dams would have on agriculture. See Section 5.3.3.1 of this EIS regarding agriculture, and for greater details from dam breaching refer to Chapter 5 of the FR/EIS.
35/2	All of the Alternatives call for more regulatory control of agriculture and land use which will have a great impact on the citizens of Washington. ... Farmers and ranchers simply cannot afford the environmental regulations suggested by BPA in the DEIS.	Comment noted. However, some alternatives would reduce some regulations. Furthermore, the mix of regulatory, incentive, and voluntary actions that could be implemented for an adopted Policy Direction has not been determined. See discussion at the beginning of the Sample Implementation Tables in Volume 3.
35/3	It is a basic fairness issue. If the public at large wants to protect fish species then the public should shoulder the burden. The burden should not fall upon farmers and ranchers who are facing disaster because of commodity prices, energy costs, and increasing federal regulations.	Comment noted.
35/4	BPA's assertion that no species of salmon is near extinction lacks common sense when the least sophisticated citizen realizes that some salmon species are near extinction.	The commenter is referencing a discussion contained in Section 2.3.2.3 of the Draft EIS that is intended to document existing conflicts in priorities created by existing regional policies. More specifically, the commenter is referencing a subsection entitled "Problems in Defining and Applying Listings," which provides a discussion of the issues surrounding NMFS' evolutionarily significant unit (ESU) policy for identifying endangered salmon species, as well as views by salmon experts on this policy. The "assertion" attributed to BPA by the commenter is not a BPA assertion at all; rather, as indicated by the footnote for this sentence, it is a statement drawn from an article concerning salmon policy. This statement is considered to represent the consensus view concerning salmon extinction—namely that although salmon is not considered near extinction on a species level, certain populations are considered close to extinction.
35/5	National Marine Fisheries Service ... listed three Evolutionary Significant Units ("ESUs") of Northwest chinook salmon as threatened species, and one chinook salmon ESU as an endangered species. The commentators believe that these listings are an unlawful alternative to the ESA's statutory species definition. ... These chinook salmon are	The existence of disagreement concerning the validity of NMFS' listings of certain salmon populations as threatened and endangered under its ESU and hatchery salmon policies is acknowledged. The complaint filed by Common Sense Salmon Recovery (of which the commenter is a member) against NMFS is an example of this disagreement. After the FWIP Draft EIS was published, this issue gained greater visibility due to a challenge to NMFS' ESU and hatchery salmon policies

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	neither endangered nor threatened when identical and abundant salmon from artificial channels or hatcheries are included in the population.	that is currently before the Ninth Circuit Court of Appeals. The subsections entitled "Judicial Impact on Natural Resource Policy" and "Problems in Defining and Applying Listings" in Section 2.3.2.3 of this EIS have been revised to reflect the current status of this litigation, as well as to provide information on NMFS' resulting review of its hatchery policy and listed Pacific salmon and steelhead stocks. The second subsection also has been revised to identify the complaint filed by the organization to which the commenter belongs.
35/6	There is no real danger of extinction of a species, yet the DEIS advocates greater use of the ESA and the Clean Water Act ("CWA") to reform land use laws for salmon protection, as well as manage public land for salmon instead of for multiple use.	The DEIS did not advocate a particular position; instead, as required by NEPA, it provided an evaluation of the potential environmental effects of a range of reasonable alternatives for implementing fish and wildlife mitigation and recovery efforts in the Region (see Umbrella Response about Claims that BPA Advocated Certain Preferences). The commenter appears to be referring to Sample Implementation Actions identified in some of the tables in Section 3A of the DEIS (now found in Volume 3 of this EIS) that would involve increased regulation under the ESA and CWA, primarily to prevent further degradation of fish habitat. As noted in the introduction to the DEIS' Section 3A tables, the sample actions in the tables were only examples drawn from a variety of sources, and those actions did not represent the position, an implied endorsement, or commitment by BPA. For Sample Implementation Actions involving increased regulation under the ESA and CWA, the regulatory agencies charged with enforcing those regulations such as NMFS, USFWS, and EPA would be responsible for implementing those sample actions, and they (not BPA) would decide whether and how the actions would be implemented.
35/7	It is illogical to pay taxes to implement protection for a fish species that is not endangered.	See Chapter 2 for a discussion of the Judge Hogan Decision and the issue of whether the listing of certain species is appropriate under the ESA. BPA's responsibilities under the Regional Act to mitigate and enhance are unrelated to ESA. Generally, fish and wildlife are also protected for tribal, recreational, commercial, and other purposes, and it is logical to protect species to keep them from becoming endangered.
35/8	The DEIS calls for more reduced power generation. This will have a severe impact on farmers and ranchers throughout the states impacted by the DEIS.	The DEIS did not take a particular position with respect issues such as power generation. We do agree, however, that reduced power generation would impact farmers and ranchers in the Region. See response to comment 35/6.
35/9	The DEIS is not based on adequate scientific data [but on "fuzzy" concepts] .... Instead of science, nature-	The DEIS information is not uniquely BPA's. It is a compilation of data from throughout the Region, obtained from existing documents; plus information

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	based biocentric philosophy underpins the dramatic changes in public policy contained throughout the DEIS.	provided by all participants in the EIS process, including the Farm Bureau. As can be seen by reviewing all of the comments and responses in this Appendix, there are many positions on what is the "right" science.
35/10	The DEIS advocates moving forward to force many people in the rural areas to change their lives in ways that may have severe economic and social impacts.	<p>See comment response to in comment #6 of this letter. The DEIS did not advocate particular positions, including, as stated here, forcing people to change their lives in ways that may have severe economic and social impacts. The DEIS did not advocate one Policy Direction over another. In fact, BPA intentionally avoided selecting a preferred alternative in the DEIS in order not to influence public comment one way or the other. The DEIS tried to present the information associated with each Policy Direction in an objective, factual manner.</p> <p>In this EIS, Section 5.3 has added clarifying information and examples to better illustrate the potential effects to rural areas. BPA has selected a Preferred Alternative (PA 2002). With the benefit of full consideration of the entire administrative record, including public comment, BPA is better able to name one alternative as preferred. However, a final decision on a particular policy direction will not occur until at least 30 days after publication of this EIS. This decision will be published and made available in a Record of Decision.</p>
35/11	Americans agreed on current land management decisions via debate, discussion and tradeoffs that characterize policymaking in a democracy. Americans have not had a debate about abandoning multiple use, sustained yield and balancing competing uses of public lands in favor of trying to recreate pre-European landscapes which is advocated by the DEIS.	<p>Again, the DEIS did not advocate a position regarding Policy Directions. See response to comment #6 of this letter. The commenter appears to take the inclusion of a Weak Stock Policy Direction as advocacy for that alternative. BPA is examining a reasonable range of alternatives to meet the purposes and needs stated in the EIS. As can be seen from our identification of a Preferred Alternative (PA 2002, Chapter 3), we are not</p> <p>advocating a return to pre-European settlement policies or landscapes.</p>
35/12	BPA does not choose any of the Alternatives as a preferred alternative. ... Instead, BPA will allow the BPA administrator to choose the Alternative which BPA will most likely follow.	The Final EIS includes a Preferred Alternative (PA 2002, Chapter 3). See Umbrella Response regarding Hybrid Alternatives.
35/13	BPA makes gross errors in its conclusions regarding rural Washington's history and its affected environment. ... The DEIS touts the service and recreation industries as the future of rural Washington with a major market being California's 30 million people. ... The DEIS ignores the importance of Washington's agricultural	This comment misrepresents the referenced material. The referenced section does not discuss the state of Washington, and it does not tout the service and recreational industries as the future of rural Washington. Rather, the text discusses current economic trends of the Region. Still, the text has been changed. See Sections 5.1, 5.2, and 5.3 for added information regarding rural and agricultural areas.

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	heritage.	
35/14	The DEIS does not list a preferred alternative. It is impossible for the commentators to adequately determine the effects of all alternatives on the region. Thus, once a preferred alternative is chosen, an additional comment period must be provided.	BPA intentionally avoided identifying a preferred alternative in the DEIS; however, we have identified one in this EIS. Also, see Umbrella Response regarding Scope and Hybrid Alternatives.
35/15	The DEIS admits that it used "qualitative" or "relationship analysis ..." to compare Alternatives. ... This is inappropriate as determinations and actions must be based on scientific studies. Any action taken without necessary scientific data is arbitrary and capricious.	See Umbrella Responses regarding Qualitative versus Quantitative Effects and Tiered RODs. The EIS incorporates an extraordinary number of scientific studies that sometimes conflict, at least partially. BPA has an ongoing obligation to fund actions regarding fish and wildlife mitigation and recovery and must make decisions based upon the best information available.
35/16	The DEIS is leaving the actions that they are going to take a mystery and thus, it is impossible to comment upon same.	As stated in previous comment responses to this letter, the lack of identifying a preferred alternative in the DEIS was to encourage more comment on all of the Policy Direction alternatives and to gather more information from the Region for a perspective on what the preferred alternative should be. See Umbrella Responses regarding Tiered RODs and Qualitative versus Quantitative Effects.
35/17	Removal of the dams is too drastic a measure considering that only 6% of the Basin is diverted for irrigation for agriculture and over 300,000 acres are irrigated by those 3 reservoirs.	Information regarding irrigated land associated with dam breaching has been added in Section 5.3 of this EIS.
35/18	It is inappropriate for the DEIS to provide Alternatives that cannot be implemented within the current legal restraints.	See Umbrella Response regarding Scope.
35/19	Using the Status Quo or no action Alternative as a benchmark to predict future environmental impacts is in violation of NEPA and is arbitrary and capricious under the Administrative Procedure Act ....	We disagree. The Status Quo Policy Direction (i.e., the "no action" alternative) is not used as a benchmark for predicting environmental impacts. Rather, it is a baseline for comparing the impacts of the other Policy Directions. Potential environmental impacts of the alternatives were forecast based on the existing environment and the typical policies that likely would be followed under each alternative.
35/20	The DEIS allows the administrator to select a hybrid of any of the alternatives to implement his or her policy direction. ... This type of approach is inappropriate in that it is impossible for the commentator to comment on the possible environmental impacts of a hybrid alternative yet to be determined ....	See Umbrella Response regarding a Hybrid Alternative.

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35/21	The Interior Columbia Ecosystem Management Project ... is not final and has been protested. ... All reference to and reliance on ICBEMP is improper ....	We have used the ICBEMP document for background information on ecosystems in the Region. As a product of the ICBEMP process, an <i>Implementation Strategy</i> is being done in lieu of a Basinwide decision. The participants of the ICBEMP process stated that instead of a Basinwide strategy, the science base and knowledge gained from the ICBEMP effort would be utilized during USFS and BLM unit planning efforts. With regards to the protests, we have continued to monitor the status. According to the ICBEMP participants, the protests have been analyzed and summarized within a "Content Analysis" process. Several points made in the protests were considered in the development of the <i>Implementation Strategy</i> . In addition, BPA has relied upon the data in the PACFISH AND INFISH processes too, as noted in Section 5.2.2.1.
35/22	The DEIS claims that the last summer chinook commercial fishing season was in 1967. ... However [media reported that WDFW authorized recreational fishing in summer 2001 and thousands of chinook were caught in 2001]. Therefore, the DEIS statement is inaccurate.	<p>The DEIS did contain an error, in that it referenced 1965 instead of 1967 for the last summer chinook commercial fishing season. This has been corrected in Chapter 2 of this EIS.</p> <p>The last summer chinook targeted commercial fishery occurred in 1967. However, significant catch of summer chinook continued to occur, incidentally, in sockeye targeted commercial fisheries through 1973. The summer chinook have recently been harvested in small-scale recreational fishing and incidentally in commercial tribal platform fisheries. Under the ESA, the harvest impact limit for summer chinook is less than 5% of the run, or between 1,000 and 1,500 fish.</p>
35/23	The conclusions in the DEIS are not based on adequate scientifically sound data.	See Umbrella Responses regarding Tiered RODs, Scope of the EIS, Qualitative versus Quantitative data, and Reasons for the EIS. Also, the comments on the DEIS have demonstrated that tremendous disagreement continues to exist as to the best course of action within the Region. Indeed, the science with respect to this topic remains controversial, a major part of the problem. However, BPA has an ongoing obligation to take what it determines to be the best course of action available to mitigate and recover species, especially when inaction may lead to extinction. Therefore, BPA is attempting to make the best decision possible with the information that exists, always keeping open the possibility that new information will be developed requiring BPA to reconsider its decisions and analysis.
35/24	The DEIS states that BPA will probably "proceed along the lines discussed in the Basin-wide Strategy Paper" to take steps to comply with ESA. ... It is inappropriate and a violation of the APA for an agency to make decisions as to	The DEIS predicts that the recovery planning for listed anadromous fish will likely proceed along the lines discussed in the Caucus' Basinwide Strategy paper. This is a general observation, not a statement of a decision or final action by BPA.

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	how to act before receiving public comment.	
35/25	BPA admits that "consequences are expressed not in terms of exact numbers but, rat[h]er, in qualitative terms" which would not comply with the "detailed statements" mandated by NEPA.	See Umbrella Response regarding Qualitative versus Quantitative Effects and Tiered RODs.
35/26	The current direction of BPA as evidenced in the DEIS, is contrary to the Congressional scheme of the Bonneville Power Act.	BPA's mandate has expanded considerably since 1937, yet we remain in full compliance with all of our organic acts.
35/27	The [Pacific Northwest Electric Power and Conservation Planning Act] mandates <u>balance</u> between electric power needs and conservation efforts in the environment. Congress did not intend for fish and wildlife mitigation efforts to supercede human development. The Alternatives proposed by the DEIS fail to provide the necessary balance as mandated by PNEPPCA.	We believe that the alternatives represent logical points across a spectrum of reasonable policy directions for fish and wildlife mitigation and recovery. There are surely other points; and we have encouraged others to contribute alternative suggestions through the "Build Your Own Alternative" in Appendix I. We also do not suggest that a final decision must be limited to one of the suggested alternatives. In fact, the Preferred Alternative (PA 2002) in this EIS is a hybrid of the major components of two of the Policy Direction alternatives from the DEIS. See Umbrella Response regarding Hybrid Alternatives. Appendix I has been retained in this Final EIS to help facilitate future policy direction shifts.
35/28	It is the Council's objective under the PNEPPCA to make the type of policy directives that BPA is suggesting in the DEIS. Under PNEPPCA, BPA has no authority to make policy decisions, but instead, is mandated to carry them out.	We disagree; BPA's authority is stated quite clearly in its implementing legislation and the Council cannot usurp BPA's statutory authority and require the Agency to take actions without independent consideration.
35/29	Under the PNEPPCA, the BPA administrator has to consult with "the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region, appropriate Indian tribes, and affected project operators ... to the greatest extent practicable, coordinate their actions." ... There is nothing in the DEIS to suggest that BPA has done this consultation.	BPA has coordinated its fish and wildlife activities to the greatest extent practicable with the appropriate Federal, state, and tribal fish and wildlife agencies and will continue to do so. Examples of this coordination are cited throughout Chapters 1 and 2. Chapter 7 further addresses the review and consultation aspects of the many governing laws and regulations.
35/30	The Natural Focus, Weak Stock Focus, Sustainable Use Focus, and Strong Stock Focus Alternatives all rely upon an ecosystem approach to management of natural resources. There is no statutory basis for an ecosystem approach.	BPA did not rely on an ecosystem approach in the preparation of this document. Rather, we have prepared a document that describes environmental effects of alternative Policy Directions. BPA has a responsibility to consider all effects of its decisions within its service area and to provide full disclosure of impacts. 40 C.F.R. 1508.8



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35/31	BPA must consult with the appropriate agencies under the ESA to determine the extent of their current proposed actions on any endangered species.	BPA has and will continue to consult with the appropriate agencies pursuant to the ESA. See, Chapter 2 for a discussion regarding the Implementation Plan strategy.
35/32	BPA acknowledges that it may need to do additional consultation .... These consultations need to take place with regard to the actions that the DEIS proposes in its final DEIS.	BPA has and will continue to consult with the necessary agencies, as appropriate. As noted above, please refer to the discussion of the Implementation Plan Strategy in Chapter 2 of this EIS. Also, see Umbrella Response regarding Tiered RODs and Chapter 7.
35/33	The DEIS inappropriately includes "Reserve Options for Future Action" which provide "future decisionmakers with the ability to extend or intensify actions already in place." ... The Reserve Options have not been provided to the public for comment which is necessary under the APA.	See Umbrella Response regarding Tiered RODs. Also, we have welcomed and encouraged comment on any of the Reserve Options in the DEIS. Also, refer to modified text in this EIS regarding Reserve Options, Sections 4.2.2.1 and 5.4.
35/34	The DEIS fails to provide supportable scientific data as well as causal links between the human activities and their effect on the Columbia Basin Region.	The EIS incorporates an enormous amount of scientific studies and data, as detailed in the References section of this EIS. Sometimes studies conflict, at least in part, but BPA has an annual responsibility to make decisions on proposals affecting fish and wildlife recovery and mitigation. This EIS and subsequently tiered analyses will provide BPA with the best available information to make decisions at a given point in time. See Umbrella Responses regarding Tiered RODs and Qualitative versus Quantitative Effects.
35/35	The DEIS does not discuss concrete social and economic impacts of its proposed Alternatives, but instead makes broad policy statements regarding proposed " <i>possible</i> adverse effects" and " <i>possible</i> mitigation measures." ... BPA must consider opportunities for mitigation of the economic harms [of its proposed Alternatives] .... The DEIS does not consider specific mitigation and economic harms which would allow the public to be fully informed.	The concrete social and economic impacts that the commenter suggest are exactly the reason BPA has developed the Tiered ROD concept. It will provide the decisionmaker and others the opportunity to be properly engaged at each level of decisionmaking, first starting with this policy level and then proceeding toward the more specific actions implementing that policy. See Umbrella Response regarding Tiered RODs and Quantitative versus Qualitative Effects.
35/36	Instead of providing scientific support and causal links between the declining fish and wildlife populations and economic effects, the DEIS makes broad sweeping conclusions.	See response to comment #34 and #35 above.
35/37	DEIS tables at 219-223 ... fail to produce a clear picture of what types of consequences each Alternative would	See Umbrella Response regarding Tiered RODs and Qualitative versus Quantitative Effects. The Tables were removed from this EIS to reduce confusion. Refer

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	create. Instead of providing scientific support and concrete data, the DEIS rates each environmental consequence using categories of "less magnitude" and "greater magnitude." In addition, the DEIS fails to provide any explanation as to how the magnitudes were determined.	to Sections 5.1, 5.2, and 5.3 in this EIS for more explanation of the actions and impacts anticipated under each alternative.
35/38	The same phenomenon can be found in the DEIS' explanation of environmental consequences in the remainder of Chapter 5. ... The tables and proposed explanations are devoid of supportive scientific data or actual concrete analysis. Instead, the DEIS provides tables which rate possible environmental consequences in the categories of "better" or "worse."	See the previous response. Sections 5.1, 5.2, and 5.3 have added numerous references and examples to help clarify information that was in the DEIS. Also, refer to the Umbrella Responses regarding Tiered RODs and Qualitative versus Quantitative Effects.
35/39	Throughout the DEIS, BPA advocates the management of public lands for salmon instead of for multiple use. This would be a violation of the National Forest Management Act, ... the Federal Land Management Policy Management Act, ... and the Multiple Use, Sustained Yield Act ....	This policy-level document has been designed to assist the public and decisionmakers into the future. Accordingly, to increase the document's longevity, we did not restrict the alternatives by existing law and regulation, because laws and regulations can change over time. Also, see discussion at the beginning of Sample Implementation Actions in Volume 3. Finally, see response to comment 35/9.
35/40	The DEIS threatens increased regulation by the federal government under the CWA and ESA if the region fails to develop a coordinating plan with state and local government.	See response to comment 35/6 and refer to the introduction to Volume 3, Sample Implementation Actions in this EIS. Just as the DEIS did not advocate a particular position, it did not threaten the particular action of concern to the commenter.
35/41	The DEIS calls for TMDL development and implementation for anadromous fish tributaries within five years. ... TMDL development is controlled by the CWA and should not be inappropriately determined beyond the CWA's authority.	See response to comment 35/6. TMDL development and implementation is not "called for" by the DEIS; rather, this action is identified in the Section 3A table (now in Volume 3 of this EIS). If the state and/or tribes decide to develop TMDLs, BPA plans to support these efforts, consistent with the recommendations outlined by the Federal Caucus (of which BPA was a part) in the Final Basinwide Strategy Paper. It is expected that any TMDLs developed by the states and/or tribes would be developed consistent with requirements of the CWA.
35/42	Water quality standards are controlled by the CWA and should not be inappropriately determined beyond the CWA's authority.	See response to comment 35/6 regarding the role of the Sample Implementation Actions in this EIS. Because water quality standards are currently determined by the states and not by BPA, the concern of the commenter is more properly addressed to the states. The presumption in this EIS is that the states will determine water quality standards consistent with the authority given them under the CWA. Also, refer to the Umbrella Response regarding the CWA.
35/43	The DEIS fails to take into consideration	The EIS does not propose taking of private property.

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	that its proposed actions implicate the taking of private property. Some of the DEIS proposed Alternatives will cause the taking of private property through restriction on property rights, flooding, drought, or construction. Thus, a takings implication assessment pursuant to Executive Order 12630 should be performed. [Additional examples provided by commenter.]	Actions that affect private property could be accomplished voluntarily or by using incentives. BPA typically avoids the use of its condemnation authority in the implementation of fish and wildlife mitigation and recovery actions. Where the use of condemnation authority is unavoidable, BPA proceeds according to law to ensure the affected private rights are fully respected.
35/44	Commenter submitted an analysis by Dr. Earnest Brannon, assessing the listing of certain Columbia River salmonids.	<p>BPA reviewed this analysis and will include it in the Administrative Record for the EIS along with submitted materials by other commenters.</p> <p>With respect to Dr. Brannon's analysis, he asserts that the listing of most if not all salmon stocks as threatened or endangered in the Columbia River Basin is unjustified on legal and scientific grounds. He proposes to de-list them, rely on hatcheries mostly and to give jurisdiction to individual states over their conservation.</p> <p>Dr. Brannon contends that NMFS use of ESU that defines a species or subspecies or distinct population is erroneous. For chinook salmon, the science suggests there are many more ESUs (genetically distinct populations) than NMFS has identified and lumped into a single ESU. In others, he posits that the separate ESUs are probably a single population (steelhead, sockeye) maintained by genetically identical resident forms. In yet others, he maintains that the hatchery-produced fish are indistinguishable from wild fish and should be part of the population. Finally, he observes that the genetic legacy of the salmon has been directly modified by over-harvest, hatchery practice and isolation of habitat by dams. Much of this genetic legacy is now totally extinguished or, in some cases, complete replaced by other gene pools of different stocks and species. He further argues that these new gene pools may be maladapted to those environments.</p> <p>Dr. Brannon accuses NMFS of assuming the role more appropriate to State fish and wildlife agencies: that is, tending to the conservation of species diversity and habitat.</p> <p>Dr. Brannon contends that NMFS' policy (that hatchery fish are not part of native gene pools) is not consistent with the ESA or genetic evidence.</p> <p>Dr. Brannon identifies five stages of the collapse of the fishery that was knowingly accepted by the Federal government as the cost of development: (1) 19<sup>th</sup> century harvest, (2) habitat destruction and isolation in the early 20<sup>th</sup> century, (3) introduction of exotic competitors,</p>

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		<p>(4) hydropower on the mainstem, and (5) fishery mismanagement.</p> <p>Dr. Brannon shows that the Federal government encouraged and authorized the development of the Columbia River Basin, and mitigated salmon with hatcheries to address that development. However, NMFS (the Federal government) now does not accept hatcheries as mitigation. Thus, Dr. Brannon contends that there are conflicts within the policy of the Federal government.</p> <p>There are many other astute scientific observations about the diversity, adaptation, and genetics of salmon within Dr. Brannon's analysis. Further, many of his arguments are persuasive and may foretell the future of ESA listings in the Region. Nevertheless, with respect to the immediate decisionmaking, BPA must also consider the recommendations of NMFS' as contained within their Biological Opinions.</p>
36/1	The following is submitted for inclusion as a Sample Implementation Action under Sec. 5.2 .... Install and operate an array of photovoltaic panels on the south-facing slopes near Lower Granite Dam, connected in to existing transmission facilities located at the dam, to relieve regional dependency on hydroelectric power.	This proposed Sample Implementation Action has been included in the New Generation (5-2) portion of the Power section in the Natural Focus Policy Direction.
37/1	I recommend the following implementation action be included ... under Sec. 5.2.... BPA will grant a 30% subsidy to any homeowner or small business that properly installs a rooftop photovoltaic solar collector which is connected to the public grid. BPA will prevail upon regional utilities to purchase power thus generated.	This proposed Sample Implementation Action has been included in the New Generation (5-2) portion of the Power section in the Natural Focus Policy Direction.
38/1	While we support a comprehensive and coordinated approach to salmon and steelhead protection and recovery, that approach must be based on prudent, justifiable facts. An appropriate [EIS] should present the public and decision-makers with a fair and unbiased look at the range of alternatives .... [Save Our Wild Salmon] believes that the DEIS falls far short of the mark.	This EIS incorporates the relevant factual, scientific and academic information from a broad spectrum of academic and scientific resources to provide an objective analysis of the alternatives in the EIS. As can be seen by review of this Appendix, there is a wide range of perspectives on the alternatives and scientific data. Also, see the Umbrella Response regarding Tiered RODs.
38/2	The DEIS fails the "hard look" test. ... The DEIS does not present any of the detailed information necessary to inform	See the Umbrella Response regarding Tiered RODs, Scope, Qualitative versus Quantitative Effects, and the Hybrid Alternative. Also, please refer to Volume 3 in

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	the public, or BPA, about the environmental consequences of each of the policy direction alternatives. There are numerous options, details, studies - many of which have been compiled and discussed as part of the other analyses - and facts that should be part of BPA's analysis. The programmatic scope of the DEIS does not excuse the agency from presenting and analyzing information that is readily accessible.	this EIS for sample implementation actions pursuant to each alternative policy direction. BPA has incorporated many studies and analyses by reference. These analyses has been extremely useful in selecting the Preferred Alternative (PA 2002) in this EIS, and will be for future modifications to the PA 2002, as well as in analyzing site-specific actions when these actions are actually proposed. The level of detail provided in this programmatic EIS is appropriate for a policy-level document and policy-level decisionmaking.
38/3	The DEIS puts forth biased or inaccurate information to steer reader away from a particular policy alternative.	BPA did not take a position in the DEIS or in this Final EIS; instead, the documents provide same range of reasonable alternatives across a broad spectrum. Additionally, BPA has put forth a good faith effort to provide the analysis objectively and completely. BPA has identified a Preferred Alternative (PA 2002) in this EIS.
38/4	It is impossible to formulate well-reasoned, defensible policy choices when the information underlying the analysis of those choices is inaccurate or missing. Without accurate and comprehensive information, BPA is poised to make a decision based on irrelevant or inappropriate factors.	See the Umbrella Response regarding Tiered RODs, Scope, Qualitative versus Quantitative Effects, and the Hybrid Alternative. BPA has attempted to compile, reference, and incorporate an enormous amount of material (over 10,000 pages) into a manageable and user-friendly document. In fact, this Final EIS has added additional examples and extensive footnotes to further clarify the DEIS information. Should the public or decisionmaker wish to examine the data behind a particular conclusion, the document identifies the best resources (see References section and the over 600 footnotes in this EIS). We have found that at a policy-level, reams of quantitative data and computer runs, only give a false sense of precision to policy-level issues which are large, multi-variant issues. In other words, BPA has found for EIS purposes that it is better to be generally correct than precisely wrong. As stated at the beginning of this response, the Tiered ROD concept will provide the public and decisionmaker with the appropriate level of clarifying detail for programs and projects when they are ripe for decisionmaking.
38/5	BPA's failure to take a "hard look" at the consequences of the various alternatives is compounded by the agency's intention to "tier" future documents to this EIS. ... In short, an agency cannot tier a document that did not in itself comply with NEPA. ... If the Final EIS suffers from the same lack of information and analysis that infects this draft, supplement analyses will be required to ensure that the inadequacies of this DEIS do not	See Umbrella Response regarding Tiered RODs. BPA fully intends that this EIS will comply with NEPA requirements. BPA is embarking upon this policy-level process in order to maximize public involvement at both the policy-level and site-specific level. This is a means to take full advantage of NEPA, not to avoid it. BPA has prepared similar policy-level analyses and has an excellent record of involving the public in all levels of decisionmaking, including those levels where a supplement analysis is used. See 16 CFR § 1021.314.

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	carry over to site-specific actions. We are concerned that BPA will have neither the time, nor the inclination to do such analyses at the site-specific level.	
38/6	Contrary to BPA's assertion, however, there is nothing in this DEIS that considers the environmental impacts of many of the inadequate half-measures described in the Implementation Plan. ... BPA's analysis misapprehends and discounts all too many of the most effective measures for salmon and steelhead protection. SOS is concerned that this may result in the action agencies ignoring vital information that should have been considered <i>at some stage</i> of the decision process.	The relationship between the Implementation Plan and this EIS is more fully explained in Chapter 2. The Implementation Plan is based upon the most recent NMFS' and USFS' BiOps. In order to demonstrate the impacts of these measures on the public and decisionmakers, the measures were included in the Sample Implementation Actions as an alternative track. BPA believes that this policy-level approach and utilization of tiering will help ensure that vital information is not ignored in the decision process. In fact, it actually brings in such relevant information at the appropriate time when a proposed action is ripe for decisionmaking and links it back to the policy-level decisions. See Umbrella Response regarding Tiered RODs.
38/7	The DEIS fails to inform adequately the public and the decision-makers of the requirements under numerous laws including, but not limited to, the Northwest Power Act ....	While BPA has not attempted to explain the requirements of all statutes as they apply to the Agency, a summary and explanation of several of the more commonly discussed statutes with respect to fish and wildlife mitigation and recovery issues is provided in 2.3.2.1 of this EIS. Appendix B, also gives a further listing and brief description of relevant laws and regulations.
38/8	The DEIS continually speaks in terms of public and policy "trade-offs" between fish and wildlife and other uses of the Columbia River and its tributaries. BPA must recognize that Congress had already prescribed the result of these "trade offs" in the Northwest Planning Act.	Generally, Congress has provided direction to BPA in the Regional Act; however, as with so many statutes, BPA must apply the statutory language to specific actions under consideration. Congress has entrusted BPA with the discretion to make those decisions consistent with the statute. Also see response to comment 38/9.
38/9	The DEIS asserts that "BPA provides equitable treatment by implementing all or part of the Council's Program and taking action to meet the terms of relevant BiOps. The Ninth Circuit Court has upheld BPA's interpretation, holding that it is reasonable to balance power needs and mitigation needs on a system-wide basis."... To the contrary, the Ninth Circuit has twice rejected this same contention, finding that the requirement that BPA give equitable treatment to anadromous fish under 16 U.S.C. Sec. 839b is clearly "substantive" and is, as the statute indicates, "independent" of its duty to consider the program adopted by	In November 2001, these commenters filed a petition in the U.S. Ninth Circuit Court of Appeals, challenging BPA's operations during the 2001 drought and power emergency, asserting that those operations and other actions BPA took failed to provide equitable treatment for fish and wildlife with the other purposes for which BPA manages the FCRPS. BPA has reviewed documents that will make up its Administrative Record in that case, the opinions cited by commenters, and past briefs on the subject. Using these resources, BPA elaborated on its views of equitable treatment in this EIS at Section 2.3.2.1 under the heading Regional Act. Generally, this entire EIS is about trade-offs: those made historically and those we must make prospectively. BPA is preparing this policy-level EIS on fish and wildlife could be viewed as one way of

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	the Council ....	literally placing fish and wildlife on par with BPA's other statutory purposes because it offers the same level of planning, analysis, and public involvement found in the Business Plan EIS for BPA's power and transmission marketing mandates.
38/10	BPA has premised the DEIS on a fundamental misunderstanding of the NPA's Equitable Treatment mandate. The DEIS specifically states that "high prices for power may impair BPA's ability to finance fish and wildlife implementation," and that "extreme power demands and shortages may lead to modifications to the fish and wildlife programs." Such direction violates the NPA. In these instances, the NPA requires BPA to manage risks equally across all aspects of the system. The Act does not allow BPA to put power ahead of fish. The DEIS is therefore fundamentally flawed due to its reliance on this misguided interpretation of the NPA's requirements.	We respectfully disagree. See response to comment 38/9.
38/11	The Save Our Wild Salmon Coalition has endorsed and advocated for the removal of four lower Snake River dams as the most biologically beneficial and cost-effective means of recovering federally protected salmon runs in the Snake River. Of the proposed Policy Direction Alternatives, the "Weak Stock Focus" comes closest to embracing that goal.	BPA has noted SOS' preference for removing the four Lower Snake River dams. See Umbrella Response regarding Preference. Also refer to the Clean Water Act Umbrella Response for information on the Lower Snake River dams controversy, and the Corps' FR/EIS and ROD for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams and the decision by the Corps.
38/12	However, SOS feels that the Weak Stock focus fails to pay adequate attention to salmon runs not listed for protection under the Endangered Species Act (ESA). In addition to meeting its directive to avoid jeopardy to federally protected salmon runs, federal action agencies must pay equal attention to these relatively healthy salmon populations to prevent the future listing of these species and to comply with tribal and Canadian treaty obligations.	Weak Stock Focus, like all policy alternatives, is a general direction, not a limitation. Between the Weak and Strong Stock Focuses, there are multiple layers of emphasis for specific listed and unlisted species. The five identified Policy Directions are logical stopping points along a continuous spectrum and should not be viewed as exclusive. See Umbrella Response regarding Hybrid Alternatives.
38/13	SOS believes that partial removal of the four lower Snake River dams must be a central component of any legally and scientifically legitimate fish recovery plan.	The commenter's opinion is noted. However, as reflected in the sample actions and policies that make up the Preferred Alternative (PA 2002) for this EIS, BPA believes that a legally and scientifically legitimate fish recovery plan can be formulated without including removal of these dams as a central component. The

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		Corps' September 2002 FR/EIS ROD, in which the Corps adopted an alternative that does not involve breaching or removing the four Lower Snake River dams.
38/14	The DEIS unfairly and inappropriately assumes negative impacts on air quality for a decision to remove the four lower Snake River dams. Under a dam breaching scenario, there would be a need to replace the power produced from the dams. However, there is ample evidence to show that the power from those four dams can be replaced without adversely impacting air quality. ... NW Energy Coalition and [NRDC suggest energy lost] can be replaced with a mixture of low-cost conservation and ... renewables .... The final EIS must consider this "clean air" alternative to power replacement and adjust the Policy Direction effects accordingly.	While replacement power "could" consist of conservation and renewables, in reality, power resource developers have demonstrated a preference for building combustion turbines, as anticipated in this EIS and demonstrated by the permit requests that were filed within the Northwest States during the perceived power shortage. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Section 5.10.4 regarding Power Replacement with Non-Polluting Resources.
38/15	The DEIS assumes that the power would be replaced by a combination of new combustion turbines and prolonged use of existing coal facilities. ... Yet an analysis by the Army Corps of Engineers estimates that there would be no net increase in emissions for five of eight pollutants analyzed, and overall emissions in the Western United States would increase by less than one percent.	See above response. Changes have been made in Chapter 5, Section 5.3, to reflect a reconsideration of the data. In addition to the Army Corps of Engineers' data referenced, BPA has assessed through this EIS the Business Plan EIS and the Resource Programs EIS likely resource development scenarios and their impacts.
38/16	The DEIS also references increased emissions resulting from increased truck and rail traffic replacing barges. This assertion is again in contrast to the Army Corps of Engineers analysis, which actually predicts a reduction in transportation-related emissions for three of five (CO, SO <sub>2</sub> , and NO <sub>x</sub> ), while overall emissions would decrease by seven tons/year.	Refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Section 5.9 regarding transportation impacts. Generally, two sources provided data for this analysis. First, the Eastern Washington Intermodal Transportation Study (EWITS) (Lee and Casavant, 1998) conducted a 6-year study funded jointly by the Federal government and the Washington State Department of Transportation; it included an examination of transportation-related energy consumption and air emissions associated with breaching of the four Lower Snake River dams. The EWITS data suggest that NO <sub>x</sub> , PM <sub>10</sub> , and VOC emissions would increase; CO emissions would remain about the same; and SO <sub>2</sub> emissions would decrease. Second, the Transportation and Navigation Study data indicate that CO, NO <sub>x</sub> , PM <sub>10</sub> , and VOC emissions would increase and SO <sub>2</sub> emissions would stay about the same. The averages of the two total emissions estimates



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		are presented in Section 5.3.2.4 in the FR/EIS.
38/17	[Re: water Quality Effects] First, SOS is uncertain why the agency has analyzed the amount of reservoir habitat and included reservoir habitat as a positive asset to the river environment. Second, SOS is concerned that the agency has underestimated the positive impacts of the Weak Stock approach on water quality. ... The DEIS improperly analyzes the effects of partial dam removal on reservoir habitat. The DEIS characterizes dam removal as an action that is "worse" because of its impact on "reservoir habitat." While it is true that dam removal will "worsen reservoir habitat" by eliminating the reservoirs, it is unclear to SOS why this impact would be characterized as "worse" in the DEIS. Minimizing the reservoir habitat and increasing the natural river conditions should be considered a beneficial impact, not a negative impact.	BPA has reviewed the information and has added additional examples and references in Section 5.3 of this EIS to help better understand the analysis. BPA appreciates that, from a certain perspective, for some species, loss of reservoir habitat will be beneficial. However, BPA has labeled loss of reservoir habitat as negative because it eliminates resident fish and deep-water wildlife habitat, it exposes more cultural resource sites, and it adversely affects reservoir based-recreational, agricultural, and economic activities. In addition, there may be adverse impacts on human health and the environment from toxic sediment and fugitive dust impacts.
38/18	SOS appreciates the fact that the agency acknowledges the improvements in water quality that would be associated with the Weak Stock alternative. However, we are concerned that the agency either misunderstands the significance of these benefits or simply ignores them in certain situations. The "half truths" presented in the DEIS fall far short of the "hard look" that NEPA requires and seemingly ignore the mandates of the Clean Water Act.	The concerns and views of the commenter are noted. This EIS reflects an extensive effort by BPA to identify and adequately discuss all of the reasonably foreseeable environmental impacts and benefits of each of the alternative Policy Directions. BPA has provided the appropriate level of analysis of these effects and benefits, given the programmatic, policy-level nature of this EIS. For information about BPA's responsibilities under the CWA, see Chapter 2 and the Umbrella Response regarding the Clean Water Act.
38/19	Removing the four Lower Snake River dams would have substantial biological benefit for all Columbia and Snake migrating salmon and steelhead by opening up otherwise lost spawning habitat and decreasing the adverse water temperatures and other pollution (e.g., dissolved gas) that accumulate in the rivers. Although some of these benefits are acknowledged in the DEIS, others are ignored. But, most surprisingly, the DEIS seems to suggest that water quality requirements of the Clean Water Act need only be met where possible. ... We expect that the agency will correct these flaws in the final EIS and give the Weak	Regarding the suggested benefits of removing the Lower Snake River dams: all of these benefits are acknowledged in this EIS. For example, the general loss of spawning habitat caused by construction of dams in the Columbia and Lower Snake River basins is discussed in Section 2.3.1.3 under the heading "Effects from Dam Construction and Operation on Fish and Wildlife." The recovery of lost habitat that would result from dam removal is discussed in Section 5.3. Similarly, the effect of the dams on water quality measures such as water temperature and dissolved gas is discussed in Sections 5.2 and 5.3. For a comprehensive analysis of the potential adverse and beneficial impacts associated with breaching the four Lower Snake River dams, also see the Corps' FR/EIS.  Regarding the requirements of the CWA, BPA

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	Stocks alternative the proper "hard look" in terms of water quality improvements.	recognizes that it is obligated to comply with the applicable requirements of the CWA. For information about BPA's responsibilities under the CWA, see Chapter 2 and the Umbrella Response regarding the Clean Water Act.
38/20	In general, the DEIS accounts for the substantial benefits to be derived from a free flowing lower Snake River for fish and wildlife compared to the status quo. ... Yet the DEIS may have underestimated the overall benefit in certain key areas. ... The habitat improvements associated with this [partial removal of the four dams] would be dramatically better than the status quo, not only for native anadromous and resident fish, but also for native wildlife in general.	We are glad to see that the commenter has confirmed our accounting for the substantial effects under the Weak Stocks Focus Policy Direction as compared to the Status Quo. At this point, since the document is a policy-level EIS, the general sense of what takes place regarding environmental consequences is adequate. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Sections 5.5 and 5.6 on Aquatic and Terrestrial Resources.
38/21	The DEIS also misleads the public and decision-makers by unfairly reporting the environmental consequences of dam removal on non-native species. ... Yet all credible science indicates that the existence of non-native, or exotic species that reside in slack-water reservoirs created by dams are a danger to the survival of listed juvenile salmon. ... Furthermore, BPA's legal responsibilities are toward native, not non-native species. The DEIS's balance of non-native species is misplaced and improperly assesses the impact of dam removal. While it is true that free flowing river conditions would decrease habitat for non-native species and consequently lessen populations, the DEIS must properly acknowledge this as a benefit, not an adverse impact, of dam removal in its comparison of alternatives.	BPA has a responsibility under NEPA to consider all relevant environmental consequences of actions and reasonable alternatives thereto. Since public policy decisions regarding the construction of dams were made years ago and introduced species have since become part of the current environment, BPA would be remiss not to account for their impact from dam removal. Moreover, the decision to place a higher relative value on native species over non-native species reflects a policy choice that is consistent with the Weak Stock Focus Alternative, but other Policy Direction positions reflecting different values by others in the Region are also considered. The commenters position on what the values should be do not represent a regional consensus as can be seen through review of this Appendix. Finally, see the Umbrella Response regarding Scope.
38/22	The DEIS unfairly characterizes the economic effects of a decision to remove the four lower Snake River dams while severely underestimating the potential economic benefits of such a policy direction in a variety of economic sectors.	We respectfully disagree: please see the response to comment 38/24, below. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Sections 5.10 regarding electric power and 5.16 for an economic overview.
38/23	The DEIS claims "large adverse [power] effects compared to the status quo" for the Weak Stock Policy Direction. Yet nowhere is it mentioned that law mandates reductions in power production for the sake of migrating salmon, nor is it	BPA does not share the commenter's legal interpretations. See Section 1.2.2, BPA's Purposes, and Chapter 2 of this EIS generally, and specifically Sections 2.3.2.1, and 2.3.2.3. See also the FCRPS Action Agencies' initial Progress Report for implementation of the BiOps and the response to

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	mentioned that even under the status quo, BPA and the other federal action agencies are violating these legal requirements ["equitable treatment" under NPA and ESA].	comment 38/9.
38/24	Combined, the four lower snake river dams produce roughly 1,246 average megawatts annually, amounting to only 5 percent of the total Pacific Northwest energy system. The Drawdown Regional Economic Workgroup (DREW) estimated in its regional analysis that the average increase in monthly electric rates for replacement power with bypass would be in the range of \$1.07-\$5.30 for residential ratepayers, assuming that the region replaces the lost power with more expensive forms of power generation like combined cycle turbines and gas fired power plants. As mentioned earlier, a separate study [NRDC report] shows that residential rates would increase by only \$1 to \$3 per month if energy produced by the dams were replaced with a mixture of conservation and non-hydropower renewable energy. ... The relatively modest increase in electric rates pales in comparison to rates elsewhere in the U.S. and becomes even less significant when considering the potential economic benefits of sustainable wild salmon populations.	<p>The cited residential rate increases are misleading. The variation (\$1.07-\$5.30) is largely due to the assumed base of customers either averaged over all residents or just BPA customers [K1]. Also, these estimates do not include cost increases for commercial and industrial customers (Framework Human Effects Analysis Table 4-8). Please refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Section 5.10 regarding electric power.</p> <p>The technical report supporting the information in Section 5.10 came from a study by the DREW Hydropower Impact Team; Final Technical Report on Hydropower Costs and Benefits (Corps 1999a). This workgroup had representation from numerous organizations: Northwest Power Planning Council, Corps of Engineers, Bonneville Power Administration, NMFS, Columbia River Inter-Tribal Fish Commission, River Network, NW Energy Coalition, Direct Service Industries, Columbia River Alliance, Bureau of Reclamation, and Idaho National Energy Lab. In Section 7.4, Possible Rate Impacts, of this technical report they noted:</p> <p>"With the numerous scenarios presented here, it can be seen that the possible average wholesale rate increases to power customers could be as low as 0.67 mills/kWh and as high as 5.86 mills/kWh. How these increased wholesale rates would translate to increases in monthly power bills to the different power consumers is very hard to determine. Each power utility purchases different amounts of BPA's wholesale electricity to serve its residential, commercial, agricultural, and industrial customers. Some PNW utilities purchase almost no power from BPA, and hence the rate increases would be very minimal to their customers. However, other utilities rely exclusively on purchases from BPA, and these potential rate increases could be passed directly to their customers. ... As can be seen in Table 44 the average PNW household monthly electricity bill could increase between \$1.20 and \$6.50 depending on which set of cost distribution and economic forecast assumptions is applied. The monthly bill impact for the average PNW commercial establishment could increase between \$6.70 and \$36.30. ... The major impact would be to the industrial sector if the assumed cost</p>

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		<p>distributions occur. For example, the average industrial customer (excluding the aluminum companies and other Direct Service Industries) could see monthly electricity bills increase between \$302 and \$1,645. The aluminum companies in the PNW are extremely large consumers of electricity, and this is reflected in the average monthly consumption of 160,600,000 kWh. Clearly, any increase in the electricity rate will have a significant impact on monthly power bills. Depending on the selection of cost distribution and economic condition impacts, the average monthly power bill for aluminum companies could increase between \$172,600 and \$940,400."</p> <p>With regard to the use of energy conservation and renewable energy, 1,246aMW of power would be a substantial amount of power to try to replace with these resources. As can be seen by review of Appendix E, Table B, of this Final EIS, combustion turbines continue to be the resource of choice for replacement of generating resources primarily because of costs. Even in light of the combustion turbine emphasis, BPA will continue to pursue energy conservation and renewable generating resources to the extent practicable.</p>
38/25	In addition, the DEIS notes "deconstruction costs" as a negative economic effect of dam removal. The DEIS fails, however, to mention potential savings on dam maintenance and capital improvement costs to help offset the initial investment, as well as potential increase in jobs from both deconstruction and new energy generation construction.	<p>The text has been modified to address the issues of dam maintenance, improvements, and repairs, as well as changes in jobs related to dam removal. See Section 5.3 in this EIS, for a assessment across the several related categories of effects. Under Employment, there are specific examples and clarification related to jobs and dam removal.</p> <p>Also see Section 5.14 of the Corps' FR/EIS. They have noted in Section 5.14.1.1, under Total Regional Impacts for employment that there would be an overall loss of related employment in the Pacific Northwest of more than 2,000 jobs.</p>
38/26	Without question, breaching the four lower Snake River dams would dramatically alter the way in which commodities are transported in the lower Snake River basin. Clearly, investments would have to be made in new infrastructure .... SOS would like to point out economic analyses which demonstrate that the infrastructure investments required could be far superior to continued taxpayer and ratepayer subsidization of the Snake River waterway.	The commenters position for removal of the Lower Snake River dams is well understood, BPA is not familiar with any credible analysis supporting this comment. Also refer to the FR/EIS for a comprehensive analysis of the impacts associated with breaching the four Lower Snake River dams, especially Section 5.9 regarding transportation.
38/27	BPA asserts that "[o]ver 300,000 acres of irrigated land are served out of the Lower	The citation on page 183 of the DEIS that "over 300,000 acres of irrigated land are served out of the Lower Snake

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	Snake reservoirs. ..." As confirmed by the U.S. Army Corps of Engineers and several additional studies, however, there are only approximately 37,000 acres irrigated with water from the Lower Snake River, all of which is drawn from Ice Harbor Reservoir. All additional farmland "served out of the lower Snake reservoirs" irrigate using water from private wells which do not draw water directly from the river. ... We urge BPA to adjust its presentation ....	Reservoirs" has been corrected in this EIS. Page 94 of the DEIS did state that "37,000 acres are irrigated using surface water diverted from Ice Harbor."
38/28	Among the benefits of healthy salmon populations, one of particular relevance is the restoration of both Tribal and non-Tribal salmon fisheries. In order to sustain these benefits, SOS advocates that fisheries be managed specifically to meet escapement goals for wild stocks, and to assure the long-term capacity of watersheds to support natural production of salmon.	SOS preference has been noted. Also, we have added it to Sample Implementation Actions in Volume 3.
38/29	The Weak Stock alternative calls for the elimination of most ocean harvest where targeted, or selective harvests can not be employed, resulting in an overall decrease in commercial value. ... The 2000 FCRPS Biological Opinion explicitly states: "For most of the listed ESUs, opportunities to improve survival through additional harvest reductions are limited because they are not affected, or are affected only minimally, by today's much-reduced fisheries ... [A]s a result, <i>even the complete elimination of all remaining fisheries would yield only limited benefits for many of the ESUs.</i> " [Emphasis added by commenter.]	<p>This comment quotes language from the NMFS 2000 FCRPS BiOp, indicating that even the complete elimination of all remaining fisheries would yield only limited benefits for many of the ESUs. This BiOp language leaves open the likelihood that while some ESUs will not benefit from eliminating harvest, some ESUs will. The idea underlying the Weak Stock Alternative is to focus on weak stocks first, regardless of, for instance, economic impacts on commercial fishing. This comment is trying to deflect attention from the real and devastating impacts from commercial fishing on anadromous fish and ignores the underlying basis of the alternative. In addition, BPA refers the commenter to Chapter 2 of this EIS and the discussion under Federal Indian and Indian Resource Policies where harvest impacts are also discussed. Finally, after publication of the DEIS and NMFS' BiOp, a Salmon Recovery Science Review Panel convened by NMFS found there were</p> <p>flaws in how harvests were set and their impacts on listed stocks analyzed. The panel stated as follows:</p> <p>"[W]e remain somewhat mystified concerning the scientific justification for current allowable harvests, especially the continuation of substantial or high allowable harvest rates on listed salmonids ESUs. Most of the listed ESUs have experienced continued declines in spawner abundance over the past two decades, with</p>

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		<p>estimated lambda<sup>7</sup> less than 1. In every case ..., the estimated lambda in the absence of harvest exceeded lambda with harvest. Thus, it is clear that [harvest] contributed, in several cases quite significantly, to the population declines, decreasing estimated lambda by as much as 20% to 30%. In four cases harvest rates in effect before ESA listing tipped the balance between estimated lambda greater than 1 without harvest to less than 1 with harvest (Lower Columbia Chinook, Snake River Fall Chinook, Lower Columbia Winter Steelhead, and Upper Columbia Steelhead). ...</p> <p>For example, allowable in-river harvest of Snake River Spring/Summer Chinook actually increased in recent years from less than 5% in 1995-1999 to nearly 6% in 2000 and more than 12% in 2001. Apparently substantial harvest of listed ESUs continues to be permitted by NMFS, e.g. up to about 50% per year for components of the Lower Columbia Chinook and Snake River Fall Chinook. ...</p> <p>Errors in estimated escapement can be large: for example, we were told that because of recent changes in ocean conditions steelhead returns were about three times greater than predicted in some reaches in 2001. Presumably in other years or sites errors of similar magnitude also occur in the opposite direction. ...</p> <p>In response to our question it became apparent that NMFS, state and tribal personnel involved in setting allowable harvests were not making use of basic theories of harvesting fluctuating populations, ... nor were they familiar with the advantages of threshold harvesting to reduce the risk of population collapse or extinction and to increase average sustainable harvests."<sup>8</sup> At a minimum, the NMFS BiOp and SOS comments indicate there is uncertainty regarding the impact of harvest on some weak stocks. More likely, as noted by the Salmon Recovery Science Review Panel, harvest has been reducing and continues to significantly reduce the annual growth rate of many weak stocks. In either case, BPA believes an alternative that focuses on promoting weak stocks should further limit or eliminate commercial harvest when compared to the status quo.</p>
38/30	A prudent policy alternative should recognize that fisheries in the Columbia River basin have already been significantly reduced in recent years in	Chapter 2 enumerates the decline of salmonid fisheries beginning in the 1800s due to excessive harvest. The Weak Stock Focus alternative does focus on hydropower operations and includes the most aggressive

<sup>7</sup> Lambda is median annual population growth rate.

<sup>8</sup> Robert T. Paine, et al., Salmon Recovery Science Review Panel, Report for the meeting held August 27-29, 2001, Northwest Fisheries Science Center, NMFS, Seattle, Wash., pages 7-8.

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	part to reduce impact on listed species. More importantly, this policy alternative [Weak Stock] should recognize that hydropower operations "harvest" many more wild salmon than do fisheries, and thus should be the real focus of any recovery efforts. Indeed, the Biological Opinion's "Incidental Take" Statement for Snake River fall chinook alone estimates a juvenile mortality rate at 88 percent from operation of the hydro system.	FCRPS generation reductions of any of the Policy Directions, other than the Natural Focus.
38/31	SOS is encouraged that the DEIS recognizes the economic benefits of a sport fishing, though these benefits are severely underestimated .... However, by proposing further limits on sport fishing, the DEIS is again unnecessarily inflating the socioeconomic consequences of the Weak Stock alternative. The final EIS should recognize and account for this error to adequately present this alternative to the public.	First, the Policy Direction alternatives defined in the DEIS and this Final EIS are based on our experience of participating in regional discussions. As noted in Chapter 3 and other places throughout the document, other definitions can be made. Our work on this EIS within the Region demonstrated to us how many different definitions for any one of the five base Policy Directions there could be. It is because there are so many different ways to define the Policy Directions that BPA defined the five basic Policy Direction alternatives and then developed the "mix and match" or hybrid approach to allow for many other alternatives definitions to be created (see Section 3.5.3 and Appendix I of this EIS). The commenter's concern is so fixed on making our definition for Weak Stock Focus fit their definition that they have missed the opportunity to create its own Policy Direction alternative by mixing portions of the other alternatives such as the Sustainable Use Focus alternative. We encourage the commenter and others in the future to use Appendix I of this EIS, which was in the DEIS, to create their own alternative Policy Direction and assess the effects as described in this EIS. Second, this comment seems to be a reiteration of the commenter's position that harvest reduction is not a necessary component of the Weak Stock Focus. We do not believe that is consistent with the concept of protecting all ESA listed fish and wildlife populations used in our definition. Again, the commenter is encouraged to create their own definition using the information in this EIS. See the revisions to Sections 5.1, 5.2, and 5.3 in this EIS for more examples and references on sport fishing.
38/32	The DEIS dramatically underestimates the recreational benefits of breaching the lower Snake River dams, and inaccurately claims there would be fewer recreational opportunities in the Weak Stock approach than under the Status Quo. The Army Corps of Engineers' (Corps) own DEIS indicates just the opposite.	There is uncertainty in the recreation estimates. Moreover, there are many factors other than breaching at work in the Natural Focus and Weak Stock Focus alternatives. DREW says that recreation benefits are probably large and very uncertain, and results are presented with a wide confidence interval. Recreation benefits might be enhanced in the Lower Snake River region, but this DEIS considers effects Basinwide. Still,

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		<p>we have reviewed the Corps' work again and have added clarifying examples and information to our assessment of recreation effects.</p> <p>See, also, the FR/EIS, Section 5.13.</p>
38/33	<p>Overall the DREW estimates that in the short term, bypassing the lower Snake River dams will eliminate eight hundred reservoir-related jobs, but in the long run will generate over three thousand recreation-related jobs as new and enhanced recreation opportunities associated with a free-flowing river emerge. Perhaps more importantly, however, the DEIS fails to account for the broad range of economic benefits that could be derived from the quality-of-life assets of a naturally flowing river.</p>	<p>The FR/EIS, DREW work in Appendix I, Tables 6-34 and 6-35 show short-term and long-term employment effects of Dam Breaching. Long-term recreation job increases are estimated to be less than 1,000. Permanent job losses associated with decreased Corps spending are estimated to be 1,415. The total, net long-term change in employment is a loss of 1,372 jobs, but 20,821 short-term jobs are created in implementation and construction. Section 5.14.1.1 of the FR/EIS, under Total Regional Impacts for employment note that there would be an overall loss of related employment in the Pacific Northwest of more than 2,000 jobs. We are unaware of studies that demonstrate the economic benefits that could be derived from the quality-of-life assets of a naturally flowing river.</p>
38/34	<p>SOS believes that the Sustainable Use approach, as well as the approach taken by the Biological Opinion is insufficient not only to meet BPA's purposes and needs in funding and implementing fish and wildlife mitigation and recovery efforts, but to avoid jeopardy and to recover salmon and steelhead to sustainable, harvestable levels. ... SOS agrees that many of the measures outlined in the Sustainable Use Focus, and the BiOp, are indeed necessary to improve salmon and steelhead survival. For example, the DEIS outlines numerous beneficial habitat implementation actions under the Sustainable Use policy alternative that SOS believes should be included in any final policy alternative. ... As stated earlier, a fundamental problem of the Weak Stock approach is its failure to adequately address the needs of salmon populations not listed under ESA, and subsequently its failure to take steps that would prevent healthy populations from becoming endangered. The Sustainable Use Focus does not suffer from this bias. Instead, the Sustainable Use alternative gives some priority to unlisted populations. However, by putting off a decision on dam removal in favor of modest hydro</p>	<p>The effect of breaching Snake River dams would affect Snake River listed fish. It would not benefit listed species originating from outside the Snake River Basin. While we recognize that some consider breaching Snake River dams as critical to recovery of Snake River salmon, this remains an outstanding uncertainty on which not all biologists agree (see the Anadromous Fish Appendix A of the FR/ EIS on dam removal; and the NMFS 2000 BiOp).</p>



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	modifications as well as ramping up efforts in all other "H's", the Sustainable Use alternative fails to adequately confront the true impediments to recovering listed salmon [at] the four lower Snake River dams.	
38/35	SOS feels that the Sustainable Use Focus falls far short of meeting recovery needs in other areas. For example, ... [it would] increase emphasis on the harmful barging and trucking program to transport juvenile salmon while failing to mandate an aggressive spill program.	The opinion of the commenter concerning the Sustainable Use Policy Direction is noted. See the comment response to 38/31 above. We do not believe that barging and trucking of juvenile salmon is necessarily harmful; also these transport methods would be just two of several methods that could be used to aid in fish passage. Please see FR/EIS, especially Section 4.5 and 5.5.
38/36	SOS urges BPA to alter the Weak Stock approach as identified above to achieve the greatest benefit from this alternative and to eliminate unnecessary consequences, and further urges BPA to consider this as its preferred alternative.	BPA's Preferred Alternative (PA 2002) in this EIS is a mixture of the Weak Stock Focus and Sustainable Use Focus alternatives. It has been determined in light of the comments received, including those of SOS. However, keep in mind that each alternative Policy Direction (hybrids included) have their own set of consequences. In the world of fish and wildlife recovery, defining the maximum benefits with the minimal consequences is often in the eye of the beholder. Please refer to the Preferred Alternative selection process for an explanation of how BPA engaged in this balancing process in Chapter 3.
39/1	The breadth and length of NEPA coverage anticipated by this document - ... We need to see reasonable parameters placed around the scope of NEPA coverage.	See Umbrella Response regarding Scope.
39/2	The inadequate and premature analysis of impacts on Tribal cultural resources - ... the sections on cultural resources fall far short of the analysis and consultation needed to address the Tribe's concerns. The DEIS reflects a complete lack of any feedback loop from the information garnered during the time from SOR (1995-97) to the present.	<p>Regarding the analysis of impacts on tribal cultural resources, this EIS provides a broad, policy-level analysis of potential impacts associated with various Policy Directions. As such, the EIS discusses only general impacts on cultural resources and tribal concerns on a qualitative level. Once a particular Policy Direction is selected and site-specific actions are proposed, more in-depth analysis of tribal and cultural resources effects from each site-specific action will be conducted through additional NEPA documentation. See also the Umbrella Response regarding Tiered RODs.</p> <p>Regarding input provided by the tribes since the time of the SOR, BPA has made repeated diligent and good-faith efforts to continue dialogues with the tribes about possible effects on tribal and cultural resources from regional fish and wildlife mitigation and recovery efforts. Information gained from these dialogues and other regional processes is reflected in various sections</p>

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		of this EIS. For example, tribal recovery plans and other recovery plans that included tribal involvement since the SOR are discussed in Section 2.3.2.4, Initiatives to Modify the Current State. In addition, the discussion of possible environmental consequences to the tribes and cultural resources in Chapter 5 of the EIS was based in part on recent input from the tribes.
39/3	We strongly recommend that BPA ... make a deliberate effort to address federal NEPA review during meetings scheduled for October 2001 ....	BPA participated in the referenced meetings, sharing our work on this EIS with interested parties. BPA's ongoing efforts to address cultural resources with the upriver tribes, and our commitment to funding cultural resource mitigation, reflect the earnestness with which BPA approaches these important questions.
39/4	We also strongly recommend that BPA delay any FEIS and ROD until regional policymakers have had an opportunity to resurrect a regional governance structure.	The governance analysis in the EIS demonstrated that the ultimate governance structure had no bearing on the environmental impacts. Therefore, irrespective of the governance structure selected, the environmental analysis within this EIS would be unaltered. See Chapter 6 for further discussion of the governance issue.
39/5	The EIS is tardy because BPA has already proceeded under fundamentally altered hydrosystem and business operational strategies without updated NEPA coverage. Tardy also because BPA has already entered its Record of Decision on the 2000 Biological Opinions, committing BPA to operational scenarios and fish and wildlife funding actions that, ostensibly, fall within the scope of the [DEIS].	BPA disagrees because of the fundamental nature of this EIS and the existence of NEPA documentation and analysis addressing the actions that have been taken or will be taken prior to completion of this EIS. Please see 40 CFR 1506.1 and the Umbrella Response on Reasons for this EIS.
39/6	On the other hand, the DEIS is premature because the region's sovereign governments should first select a governance approach, then determine a fish and wildlife policy direction.	See response to comment 39/4 above.
39/7	It would be helpful to see the alternatives illustrated in terms of the stated "yardsticks."	See Section 3.3 in this EIS.
39/8	The text refers to BPA's "expectation" that strategies discussed in the "All-H Paper" will be implemented. Is this not now more than an "expectation"? Did not BPA commit in its ROD on the BiOps to meet its All-H Commitments as part of the RPA for listed species?	Indeed, BPA takes its Basinwide Strategy (formerly "All-H") commitments seriously and continues to uphold them. The expectation in large part refers to the other Federal Caucus members whose commitments and actions are necessary given the "one for all, all for one" situation in which the Region finds itself—no one agency  can ensure the avoidance of jeopardy for all the others, but the failings of one can defeat the efforts of the others.
39/9	The document should note that some	Comment noted. This EIS discussion on upriver tribes

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	stakeholders, including the Spokane Tribe, believe that the Human Effects Analysis of the Council's Multiple-Species Framework Report was flawed and did not adequately assess impacts to Tribes in the Upper Columbia blocked area.	reflects information gathered from the Framework, as well as many other sources. See the References section of this EIS, and the more than 600 footnotes added to this EIS to provide more examples and clarifying information to the DEIS.
39/10	"... mitigation for <u>only</u> [strike 'over'] 38% of the wildlife habitat inundated by the dams and reservoirs."	Please note that BPA's newer preliminary estimate conservatively places inundation and construction mitigation for wildlife at 43% (USDOE/BPA 2002g).
39/11	The substantial discussion afforded to economic effects warrants further explanation of the context of fish and wildlife funding. [Commenter inquires about total costs for fish and wildlife; total costs of BPA irrigation and industry subsidies over the same time; whether F&W costs include "foregone revenue" from operating the hydrosystem for salmon.] ... At least a footnote should explain that there are many approaches to calculating the market value of foregone revenue, and some parties dispute the validity of BPA's calculations. Also, the revenue foregone to provide water for irrigation and navigation should be disclosed.	The Council's 2001 Report is cited to reveal that there has recently been such a study. If there had been a similar study on irrigation and industry subsidies, foregone revenue, or revenue foregone by irrigation and navigation, it would be cited here. Otherwise, this is not an appropriate spot for such a detailed discussion. While they are substantial, foregone revenues are not included in the cost estimates. Review Section 5.3 of this EIS, examples and clarifying information has been added to the analysis of the Policy Direction alternatives to better enlighten the reader on many of these issues.
39/12	The Table of Key Regional Issues should be expanded. The section labeled "Tribes" should include at least the following: Tribal Co-Management; Tribal Cultural Properties; Tribal Water Rights; and, Tribal Land Losses to Operations. These edits should be made whenever the same Table is reprinted elsewhere in the document.	The information has been considered, but BPA still believes that the Table of Key Regional Issues in Chapter 3 adequately captures those elements of tribal issues that are germane to the policy decision under consideration. Co-management is covered generally by Tribal Harvest, Issue 12-1, and to some extent by the discussion on Governance in Chapter 6. Cultural properties and lands lost to operations overlap and are covered in the table by Issue 12-2, Tradition, Culture, and Spirituality. We will address tribal water rights in several ways: first, by including the potential use of treaty water rights for habitat improvement; next, including protection of habitat that supports fish that are part of a treaty fishery; and finally, on a case-by-case basis as those rights are relevant to specific projects or programs.
39/13	A very well-defined boundary is needed around this EIS. ... Although NEPA grants broad discretion ... it does not provide for writing a "blank check" to "pay" for any possible future F&W funding strategy.	See Umbrella Responses regarding Tiered RODs and Scope. The EIS was designed to serve the Agency today and into the future; therefore, BPA used a broad scope to allow for future change and modifications. It is important to BPA, as well as the Region, that BPA be able to move relatively quickly on changing policy direction when the regional guidance necessitates it, and

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		successfully implementing the actions to further the policy direction toward mitigation and recovery of fish and wildlife. Due to the importance of timeliness in fish and wildlife mitigation and recovery when species are listed as endangered or threatened, the Tiered ROD concept provides BPA both the necessary public process and ability to quickly implement necessary actions.
39/14	"[A]ctions consistent with the Policy Direction" simply does not provide enough specificity to determine a reasonable range of actions that would be afforded NEPA coverage under this document. [ref: page S-xvi]	See Umbrella Response regarding Tiered RODs and the previous comment response. See also the Sample Implementation Actions in Volume 3.
39/15	Terminology in the "Commerce Focus" alternative should be defined. What is "economically efficient" restoration/harvesting/hatcheries?	Economic efficiency means that benefits exceed costs. This criterion is not the same as cost-efficiency, where the least-cost method of achieving some goal is selected, and the benefit of that goal is not considered. Please note also that mitigation and recovery measures implemented pursuant to the Council's program must meet a cost-efficiency standard as well, pursuant to 16 USC 839b(h)(6). Some changes have been made to better clarify the definition of Commerce Focus in Chapter 3.
39/16	The decision on the regional policy direction ... is an enormous burden and responsibility to place on one person. The policy direction should be chosen first, through the collective effort of the region's Federal, Tribal and State sovereigns, on behalf of their respective constituencies. Then, an environmental analysis can be conducted with greater specificity and usefulness.	<p>As discussed in this EIS and DEIS, BPA is <i>not</i> making a decision for the <i>Region</i> regarding the policy direction to be followed for fish and wildlife recovery efforts. Rather, the decision that BPA makes with information from this EIS will be solely a decision for BPA based upon its needs and obligations.</p> <p>BPA currently is in the position of needing to identify a comprehensive policy to guide its implementation and funding of fish and wildlife mitigation and recovery efforts. Even though progress has been made toward a unified planning approach through many different regional processes, the Region has not yet reached agreement on a policy direction. Thus, BPA has determined that it needs to proceed with the preparation of this EIS to analyze the environmental impacts of all reasonable alternatives. Because of the broad policy nature of this EIS, other agencies may find it a useful tool for use in their own decisionmaking processes regarding the regional fish and wildlife recovery effort.</p>
39/17	"Proceed[ing] now toward implementation of certain actions under the Biological Opinions" might not mean that BPA has made its final determination on an over-arching Policy Direction for fulfilling all its fish and wildlife obligations for the next 10 years. ... Where does BPA discern flexibility on	Implementation planning gets to the how, when, and where of an action that in many instances is not articulated in the BiOps. In addition, BPA is addressing mitigation and recovery issues arising beyond the BiOps' scope. Thus, there are numerous issues that the BiOps decisions do not resolve. Several of the Key Issues identified in this EIS are examples of the concerns that go beyond just the BiOps. See Appendix I

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	major fish and wildlife issues beyond the commitments in its ROD on the BiOps?	for an illustration and the Sample Implementation Actions in Volume 3 potential actions.
39/18	While BPA acknowledges the Current Policy Conflicts, BPA nonetheless maintains the position that previous NEPA processes (such as SOR and Business Plan) remain viable, and BPA proceeds toward implementation of BiOps for which RODs have been entered. Is there sincere intent to address/resolve the policy conflicts before issuing a FEIS?	Regarding the SOR EIS and the Business Plan EIS, see response to comment 39/20. Regarding BiOp implementation, see responses to comments 2/2, 39/17, and 39/33.  BPA did not anticipate that regional resolution of all policy conflicts identified in this EIS would be reached before BPA issued the DEIS. By law, BPA must act; therefore, we do not have the luxury of waiting for resolution of all policy conflicts. However, it is hoped that this EIS and its associated public process are being and will be used by the Region to help address many of these conflicts, and possibly resolve some as well. In addition, BPA does intend to continue to work on addressing and resolving these conflicts both during and after the NEPA process for this EIS.
39/19	We encourage BPA to promote the use of the Basin Forum concept (Three Sovereigns, not NMFS Regional Forum) as the appropriate governance structure for the basin.	Governance is a very important regional issue, which is why we included it in this EIS. However, our analysis indicates that the environmental impacts will not be altered as a consequence of selecting a particular governance structure. See Chapter 6 of this EIS.
39/20	Although the Business Plan and SOR EISs contain useful information, they no longer provide adequate environmental review for today's market conditions and system operations strategies. Indeed, the SOR environmental analysis was flawed when the EIS was issued, particularly as to cultural resources. Further, the body of knowledge pertinent to these EISs has increased and changed over the past 6 years, and current information should be inserted into new comprehensive environmental analysis.	The SOR EIS and the Business Plan EIS remain very useful documents and have been incorporated by reference into this EIS. The SOR and Business Plan EISs (as well as the other environmental documents listed in Chapter 1 of this EIS) were used as information resources for the environmental analysis in this EIS, but were not the sole source for the analysis. This EIS also incorporates information that has been generated since publication of the SOR and the Business Plan. Thus, the environmental analysis contained in this EIS is based on additional information and can in effect be viewed as clarifying the SOR and BP EISs, to the extent they may need it, in the areas covered by this EIS. We still maintain that the basic impacts referenced in the SOR and BP EISs continue to have validity. The more current information, including that from the Tribes, has provided more examples of illustrating concepts in those documents but has not changed the fundamental actions to effects relationship.
39/21	If the BPA Administrator merely records a policy direction selected in a process that provides meaningful Tribal involvement, the Administrator will have fulfilled an administrative duty to proceed with NEPA documentation. On the other hand, if the BPA Administrator surmises the region's preferred or "likely" policy direction, the Administrator will have	This EIS has rephrased the "likely" aspect of the BPA decision to be made. It has been directed more at taking guidance from the Region's policy work. When BPA decides to adopt a Policy Direction that is based on the Region's policy direction guidance, this does not mean that BPA will assume responsibility for making a decision for the Region. BPA is interested in pursuing a unified approach for fish and wildlife mitigation and recovery efforts, as discussed in Chapter 1, BPA's

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	assumed responsibility for a decision that rightfully falls on the shoulders of all the region's sovereign governments.	<p>Purposes of the EIS. This goal necessarily means that BPA will look to the policy directions of other agencies and entities in the Region in making a decision regarding BPA's policy direction. However, even though BPA's decision based on this EIS may reflect the Region's policy direction, the decision that BPA makes from this EIS will be solely a decision for BPA; BPA will not be making a decision on policy for other agencies or entities.</p> <p>As the Region's largest funding source for fish and wildlife mitigation and recovery, as well as the agency commonly perceived as being responsible for achieving goals for ESA-listed anadromous fish, it could be viewed by some in the Region as irresponsible if BPA were not to have a publicly vetted policy for how to proceed.</p>
39/22	Tiered RODs hold great potential to thwart the intent of NEPA analysis. ... We consider it imperative that BPA narrow the range of potential activities that would be considerable "tierable" from this EIS.	See Umbrella Response regarding Tiered RODs. The actions that might be tiered to this EIS are described in Chapters 1 and 3, and its accompanying tables and the Sample Implementation Actions (Volume 3). If, in the future, BPA proposes an action not included in the types of actions in this EIS, we will complete a supplement analysis pursuant to DOE regulations and determine whether the action is within the scope of this EIS or whether it requires additional NEPA compliance work.
39/23	If BPA expects fish, wildlife and Tribal stakeholders to become educated about the complex factors limiting BPA's ability to meet its fish and wildlife and trust obligations, can it not also ask its customers to become educated about the complex factors comprising BPA's costs for fish and wildlife?	Regarding fish and wildlife obligations, BPA fulfills its obligations as delegated by Congress and as found in its enabling acts. We hope that this EIS will help educate customers to become knowledgeable about the "complex factors" comprising BPA's costs for fish and wildlife. However, just because BPA's customers become educated about factors comprising BPA's costs does not necessarily mean that they are any more receptive to cost increases or to uncertainty about future costs.
39/24	No mention is made of Tribal water rights, which are senior and prior, in most instances, to non-Tribal water rights.	See additions to Chapters 2, specifically Section 2.3.2.3, regarding Tribal water rights.
39/25	Although salmon have been taken away from the Tribal people in the blocked areas, this does not mean that Tribal interest in salmon has diminished.	We have noted the importance in anadromous fish, even in blocked areas, in Section 5.3 and Volume 3.
39/26	This DEIS is inadequate for umbrella environmental coverage, particularly over time and over changing policy direction. Adaptive management and programmatic, long-term NEPA coverage are uneasy partners. The scope and breadth of BPA's NEPA coverage needs to be refined.	See Umbrella Response regarding Tiered RODs and Scope.

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39/27	The Policy Direction must be chosen through deliberate policy-level collaboration among the region's Federal, State and Tribal governments.	We agree; however, as we explained in Chapter 1, the Region has been unable to reach this level of agreement over the past two decades. Even over the recent 3-year period, the Region continues to struggle over what the policy should be. These comments on the DEIS bear this out. See Chapter 3, Figure 3-1, Different Ways to Establish Policy Direction.
39/28	The last sentence in Sec. 3.1.1. reveals the source of some of our concern: "Such an approach [flexible, open-ended EIS] also anticipates changes over time and extends the usefulness of the EIS." We are concerned that the "usefulness of the EIS" will extend to cover a multitude of actions that may fall very vaguely within ambiguous "policy directions." Without further definition of restraining parameters, this NEPA approach could eliminate the need for future environmental analysis for almost any BPA-funded activity that bears any relationship whatsoever to fish and wildlife.	We do not see lack of analysis as required by NEPA, but better alignment of analysis through more useful connections of policy and site-specific levels of data, and the subsequent decisions from that data analysis. See Umbrella Responses regarding Tiered RODs and Qualitative versus Quantitative Effects. See also responses to comments 13, 16, 21, & 22 for this letter above.
39/29	The language in the paragraph immediately preceding Table 3.2-1 is useful exposition of the spiritual significance of fish and wildlife to Tribes, and of Tribal concerns about culture, history, health and sovereignty.  Table 3.2-1 should be corrected to add Key Regional Issues for Tribes, as commented earlier ....	See response to comment 39/12 above.
39/30	"Ultimately, BPA will decide which alternative will guide the implementation and funding of its fish and wildlife mitigation and recovery efforts." This statement seems to contradict commitments elsewhere in the document allow the broader region to determine the fish and wildlife policy direction.	See responses to comments 18/7 and 39/21, above.
39/31	Before the BPA Administrator uses the comparative-analysis-table methodology to select a preferred alternative and evaluate future proposals, the facts, concepts and assumptions underlying the methodology must be corrected and verified.	BPA has based the analysis in this EIS on the most reliable information available. In response to this and other related comments, BPA has updated the facts, concepts, and assumptions underlying the comparative analysis tables in this EIS, where necessary to incorporate clarifications suggested by the commenters. Over 600 footnotes have been added to this Final EIS to provide more examples and clarifying information for the reader.

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39/32	"[T]here are still many biological and political unknowns." "Scales and intensity may vary, future environmental and economic conditions are unpredictable, and quantitative models have unknown errors and assumptions." These are reasons NEPA coverage is dubious at this grand scale. Somehow, the scope and breadth of NEPA coverage must be defined, refined, and confined.	See Umbrella Responses regarding Tiered RODs, Scope, and Qualitative versus Quantitative Effects.
39/33	At present, federal agencies are rushing through the 5-year and 1-year planning processes for BiOp Implementation. There will be no time for regional review of the environmental impacts of these BiOp Implementation Plans. Action Agency RODs are relied upon as NEPA coverage for the Implementation Plans, although no new environmental analysis was conducted beyond jeopardy analysis for ESA-listed species. How are Tribes to be comforted that the full range of environmental concerns will be meaningfully and accurately investigated and addressed?	<p>The Implementation Plan includes actions that have already received or will receive environmental analysis before they are implemented. The first 5-year plan, Endangered Species Act Implementation Plan (2002-2006) for the Federal Columbia River Power System (2002–2006 5-Year Plan), was published as a draft in July 2001 and circulated for review. The Action Agencies discussed the draft 2002–2006 5-Year Plan with states, tribes, and Columbia Basin stakeholders throughout the Region.</p> <p>Informal and formal comments were received through the NMFS Regional Forum, Regional Executive meetings, staff discussion, written letters, and other opportunities. Many of those comments were reflected in the actions included in the Implementation Plan.</p> <p>The Bureau of Reclamation, the Corps, and BPA summarized and responded to key comments received in the draft Endangered Species Act 2003/2003-2007 Implementation Plan for the FCRPS (July 2002).</p> <p>As future Implementation Plans are prepared and released, public involvement will continue to be made part of the process.</p>
39/34	"An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable." Why, then, does this DEIS not analyze the potential for restoration of anadromous salmon above Grand Coulee Dam? The upper Columbia blocked area Tribes repeatedly have brought this request forward to the federal agencies, yet our proposal is not mentioned anywhere in this DEIS.	Restoration of anadromous fish above Grand Coulee Dam is not a policy alternative, but it is a potential mitigation and recovery action. It is one of many Sample Implementation Actions. See Volume 3 for the actions across the different Policy Directions.
39/35	"Destruction of cultural resources is primarily related to dam breaching in the Natural Focus and Weak Stock Policy Directions." This statement is inaccurate. Destruction of cultural resources occurs on a daily basis due to operation of the	This comment references the Chapter 3 discussion of potential irreversible and irretrievable effects of the Policy Directions in the EIS. This discussion is intended to summarize potential effects that would or could occur under the various Policy Directions if implemented, rather than existing impacts such as the



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	hydrosystem for multiple purposes. Regardless which policy direction is chose, cultural resources will continue to be destroyed.	ongoing destruction of cultural resources referenced by the comment. Furthermore, the discussion uses the term "cultural resources" to refer to archaeological resources and identified traditional cultural properties, rather than tribal cultural values. For these cultural resources, irreversible and irretrievable effects from fish and wildlife mitigation and recovery efforts would be primarily related to the potential for vandalism and erosion, for example, if these resources were exposed as a result of dam breaching. See Sections 5.1, 5.2, and 5.3 of this EIS for more analysis information.
39/36	Discretion to refer to this NEPA document to cover all future scenarios defeats NEPA's purpose of environmental analysis. Specifically regarding future changes in Policy Direction, current analysis would need to take into account the changed environmental conditions. ... Pursuing one policy direction leads inexorably to the need to review environmental impacts of a changed policy direction in the future. Implementing one strategy alters the conditions that must be assessed in selecting a different strategy in the future.	Irrespective of which Policy Direction is adopted, at some future point the analysis in this EIS may need supplementing. However, this EIS is designed to be useful beyond the immediate policy-level decision. Of course, the extent to which it remains a useful analysis will be determined by future events. BPA does not mean to assert that this EIS absolutely addresses all conceivable future scenarios. As detailed in Chapter 4, if in the future, the Policy Direction chosen by BPA were to change, BPA would assess the appropriate course of action to ensure compliance with NEPA.
39/37	Decision-makers cannot disregard the synergistic and cumulative effects of implementing policy directions. These effects lead to the need for updated environmental analysis, on broad and site-specific scales, over time.	<p>The point made in this comment by the commenter is a major reason underlying this EIS. There are many synergistic and cumulative effects concerns. This EIS serves exactly this purpose by attempting to capture the relationships between human actions and effects to the environment (both the physical and social/economic environments). In addition, by providing a more holistic analysis of actions that could occur under each of the potential policy directions, this EIS avoids "piecemealing" actions to a point where the environmental effects are non-significant in order to implement the actions. Because this EIS allows for mixing and matching components of the five different base Policy Direction alternatives, BPA is able to create and assess literally thousands of different alternatives. See Chapter 3 and Appendix I.</p> <p>BPA also acknowledges that, despite the Agency's best intentions to maximize the useful life of this EIS, the EIS may require supplementation at some future point. However, this does not affect the adequacy of this EIS for the current and future decisions that BPA will make regarding the policy directions identified and analyzed within the scope of this EIS.</p>

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39/38	Section 3.4.1 attempts to give decisionmakers the "necessary structure to understand the environmental consequences" of choosing alternative policy strategies. The tools provided in this DEIS are very useful. They summarize the issues and types of impacts to be considered in decision-making. Combined with other tools, ... decision-makers can get a general idea of trends to be expected when implementing certain broad regional directives. However, such information does not necessarily eliminate the need for more detailed environmental analysis.	See the previous comment response and the Umbrella Response regarding Tiered RODs.
39/39	In the event a definite policy direction is selected, we need the opportunity to comment on both the appropriate actions to implement that direction, and the environmental consequences of such actions.	See Umbrella Responses regarding Tiered RODs and Reason for the EIS.
39/40	Table of Current Implementation Actions – 1-6 Watersheds: Does not mention current subbasin planning effort through NW Power Planning Council's Fish and Wildlife Program.	This EIS has been modified to include the Council's 2000 Fish and Wildlife Program elements, including subbasin planning. See Volume 3, Sample Implementation Actions.
39/41	Table of Current Implementation Actions – 1-9 Reservoirs: Does not mention flood control.	Flood control is identified in Section 4 of the Sample Implementation Action tables in Volume 3 of this EIS. Specifically, see Sections 4.2, Hydro-Operations and 4.5, Reservoir Levels.
39/42	Table of Current Implementation Actions – 4-3 Spill: Need to mention/address Tribal Water Quality Standards.	A discussion of tribal water rights has been added to Chapter 2. BPA will examine meeting tribal water quality standards specifically where those standards are applicable to actions proposed for implementation.
39/43	Table of Current Implementation Actions – 11 Recreation: Mention recreational use of storage reservoirs.	Recreational use and reservoirs are mentioned in the Sample Implementation Action tables in this EIS. More examples and clarifying information has been added to Section 5.3 of this EIS on recreation and reservoirs.
39/44	Table of Current Implementation Actions – 12-1 Tribal Harvest: Need enough anadromous fish to resume harvest for Tribes in the blocked areas. Spokane Tribe/UCUT have been excluded from the discussions about harvest.	There are no current authorizations, appropriations, or engineering plans for restoring anadromous fish to blocked areas. The likelihood of such reintroductions occurring soon is low. Nevertheless, restoration above Grand Coulee is a potential action under the Sample Implementation Actions (Volume 3). See comment 39/34. Reintroduction to other blocked areas is not considered because those areas were not blocked by FCRPS projects for which BPA has a mitigation responsibility.

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39/45	Table of Current Implementation Actions – Where is the discussion of Cultural Properties (archaeological resources, Traditional Cultural Properties, and so forth)?	The tables of Sample Implementation Actions are intended to identify Key Issue areas for each Policy Direction, as well as examples of types of actions that could be followed for fish and wildlife mitigation and recovery if the respective Policy Direction were selected. The focus of these tables is on potential mitigation and recovery actions that could be implemented, not on the affected environment for resources such as cultural resources or the potential impacts of the actions on various resources such as cultural resources. See Section 5.1 of this EIS for discussion of the affected environment for cultural resources, Sections 5.2 and 5.3 for potential impacts. In addition, more in-depth analysis of impacts on tribal and cultural resources will be conducted for each site-specific action through additional NEPA documentation once these site-specific actions are proposed (see the Umbrella Response regarding Tiered RODs).
39/46	<p>We acknowledge federal authority to operate the FCRPS to meet multiple mandates. At the same time, we do not believe the agencies are relieved of their obligations to conduct meaningful analyses under NEPA and NHPA. ...</p> <p>The concepts of emergency operations being of relatively short duration, and of BPA needing to merely change its policy and issue a supplemental EIS and ROD, illustrate why the Tribes often feel that BPA only pays "lip service" to its NEPA obligations. As emergency operations during 2001 have illustrated, "emergency" operation of the FCRPS has enormous environmental and cultural resource impacts. These unintended, but very real, consequences of emergency operations should be assessed, planned for, and mitigated. To the Tribes, these are not mere procedural niceties; they are steps necessary for federal agencies to fulfill their trust obligations to the Tribes.</p>	The commenter has been a solid and patient partner in BPA's efforts to work with the other Federal agencies to try and respond better to cultural resource needs and in a manner more acceptable to the tribes. These ongoing efforts help ensure that the multiple mandates for the FCRPS are met. Information regarding the emergency operations has been added to Chapter 2 in Section 2.3.2.3 of this EIS. Also, review Chapter 4 again for when necessary changes in policy happen unexpectedly.
39/47	The Spokane Tribe agrees with BPA's conclusion: "The form that governance takes is less important to the outcome than the degree to which the governing parties are able to act in concert." Still, the form is important to Tribes because any regional governance structure must provide for meaningful participation by Tribal governments in regional decision-	Governance is a very important regional issue: this is why we included it in this EIS. However, our analysis indicates that the environmental impacts will not be altered as a result of selecting a particular governance structure. We agree that meaningful tribal participation should be key to any governance structure.

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39/48	It is not too late to convene a regional governing body comprising Federal, State and Tribal policy-makers, for the purpose of selecting a regional Policy Direction and assessing the environmental consequences.	The exact nature of a future governing body has been a controversial regional issue. While BPA would like to see quick resolution of this issue, it is doubtful that such agreement would occur in the next several months, which is the anticipated schedule for BPA's policy-level decision. In any event, as noted above, there is no correlation between governance and environmental consequences.
39/49	After countless discussions and comments, have the federal agencies not yet recognized <u>Tribal</u> Historic Preservation Officers? [Section 7.4] mentions only <i>State</i> Historic Preservation Officers.	BPA consults with THPOs and appreciates the knowledge and expertise they bring to the cultural resources preservation and mitigation efforts. See response to comment 39/50, below.
39/50	"This section also relies upon the 1991 Programmatic Agreement to address NHPA, AIRFA, and NAGRPA coverage for the federal action agencies .... Changes to the FCRPS trigger new cultural resource compliance obligations. Not only should this section of text be edited for accuracy, but also the action agencies need to consult with the Spokane Tribal Council and THPO regarding cultural resource protection obligations in FCRPS planning."	<p>The 1991 Programmatic Agreement is only one component of efforts that have been and will be made by BPA to comply with the NHPA, AIRFA, and NAGRPA. As discussed on p. 283 of the DEIS, appropriate Section 106 consultation will be conducted by BPA before taking any site-specific actions under the Policy Direction that is adopted through this EIS process. The discussion referenced by the commenter has been revised to clarify the tribe's role in the consultation process.</p> <p>We have revised Section 7.4 of this EIS to specifically acknowledge THPOs.</p>
39/51	<p>Sec. 5.1.2 describes "Optimum Conditions for Each River Use," derived from SOR analysis. Because the "optimum conditions" are used as baseline assumptions for deriving the ensuing "Generic Environmental Consequences," it is important to acknowledge the flaws in the baseline. For example:</p> <ul style="list-style-type: none"> <li>* "Cultural Resources" "stable reservoirs year-round" is much too simplistic a description of optimum conditions....</li> <li>* "Resident Fish" – "stable reservoirs year-round, with natural river flows" is a self-contradictory "optimum." ...</li> <li>* "Water Quality" – "natural river flows with minimum spill" might address some temperature and dissolved gas problems, yet also might exacerbate problems with suspended contaminants ....</li> <li>* "Wildlife" – "drawdown reservoirs</li> </ul>	Table 5.2-1: Optimum Conditions for Each River Use, and the corresponding text was not intended to represent a baseline. It was meant to be an illustration of showing how attempting to optimize one condition in a particular situation (intended effects) may lead to unintended effects (associated side effects).

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	year-round to expose maximum acreage for long-term habitat recovery" sounds optimum, but does not necessarily optimize conditions in areas denuded of native vegetation and depopulated of native wildlife populations.	
39/52	The DEIS is intended to have a very broad [EXCEEDINGLY BROAD] coverage. [Comment in brackets quoted from DEIS.]	See Umbrella Response regarding Tiered RODs.
39/53	<p>[Comment responds to DEIS statement that "This document does not try to define such specific quantities [as numbers of hatcheries] for each Policy Direction."]</p> <p>YET, specific quantities are essential to meaningful environmental analysis. Removal of one dam does not equal removal of "some" dams in environmental effect. For example, removal of Hells Canyon would have vastly different environmental effects than removal of John Day. The scope of NEPA coverage must be refined before blanket authorization is granted to cover vast potential future actions under this "umbrella" EIS.</p>	<p>We agree that all dams are different and impacts would vary, depending upon which dam was removed. The focus of this EIS, however, is at the policy level. See Umbrella Response regarding Tiered RODs.</p> <p>We also appreciate the commenter's sincere effort to articulate the appropriate level of detail and analysis for a policy-level EIS. The difficulty for agencies and document reviewers alike is that there is no clear delineation between too little and too much generalization. With a project-specific EIS—such as an EIS on a specific hatchery or drawdown of a dam—only alternatives to the proposed action are typically examined. In a program-specific EIS, such as BPA's Wildlife Mitigation EIS, the scope was alternative ways to address wildlife mitigation, but overall policy concerns remained unanswered. With a policy-level EIS, such as this EIS or the Business Plan EIS, site- and program-specific detail is reduced, but a full Basinwide Strategy ("All-H") perspective becomes possible. Only a policy-level EIS can guide an agency's overall direction. And only program- or site-specific analysis provides on-the-ground impact analysis. BPA believes that in this instance its policy-level EISs, along with a strategy of Tiered RODs and Supplement Analyses that provide program- and site-specific impact analysis, provides more accurate information, and more opportunities for public involvement, especially for "real-time" decisions, than any other means of NEPA compliance.</p>
39/54	In the hard-copy document, Table 5.2-1 refers to State water doctrines and laws. It should read "State <i>and Tribal</i> water doctrines and laws.	The text has been changed to reflect Federal, state, and tribal water doctrines and laws where applicable. Table 5.2-1 in the DEIS has been changed to Table 5.2-2 of this EIS.
39/55	In the hard-copy document, Table 5.2-2 refers to Effect of reservoirs built and normal operating range as "Amount of riverine habitat lost." Effect also should include <i>ecosystems transformed to quasi-lacustrine</i> .	The table has been changed to reflect these comments.

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	Also in Table 5.2-2, Effect of Operations for hydropower [etc.] should include <i>altered reservoir conditions</i> .	
39/56	The hard-copy document Section 5.2.2.3 "Fish and Wildlife" initially describes issues spanning fish and wildlife, broadly. But in the "Possible Mitigation Measures," the text reverts to describing mitigation only for ESA listed anadromous fish.	The "Possible Mitigation Measures" have been expanded to include mitigation measures for wildlife as well as fish.
39/57	The life-cycle diagrams in Figures 5-2 through 5-7 are useful summaries of major environmental effects. The relevance of the figures, and the connectivity of life cycle among and between ecosystem components, need to be brought back into the text of the analysis of environmental consequences.	The life-cycle diagrams have been modified to better summarize the effects from Section 5.2 of this EIS.
39/58	The hard-copy Section 5.2.3.1 provides an encouraging acknowledgement of air quality concerns due to dust blowing from exposed reservoir sediments.	Comment noted.
39/59	The hard-copy text at p.Draft/192 describes potential consequences on "Funding." At p.Draft/193 (as in several other places in the document) reference is made to mitigating the adverse effects of funding by "maximizing the effectiveness of fish and wildlife expenditures." This terminology needs to be explained. "Maximizing effectiveness" sounds very subjective and could be interpreted differently by different parties.	Maximizing cost-effectiveness provides the most fish and wildlife benefit per dollar of expenditure. See Sections 5.1, 5.2, and 5.3 for additional information and examples on costs.
39/60	Both the DREW and Framework processes were flawed, from the Spokane Tribe's perspective. Concerns of Tribes in the upper Columbia blocked area were not adequately included nor addressed. To use these previous analyses as underpinnings for current analysis is to build a new foundation upon sand. [Re: Increasing number and complexity of decisionmaking process; in Table5.2-14.]	See responses to comments 39/9 and 39/34.
39/61	[Re: Table 5.2-14 in the Tribal Effects subsection in Section 5.2, General Environmental Consequences of the EIS.] Lack of connectivity for cultural resources; emphases on either F&W or archaeology. - C.R. management issues	As discussed at the beginning of this subsection, it is intended to identify the general adverse effects of fish and wildlife declines on tribal members and communities. Thus, as correctly noted by the comment, the emphasis of this subsection (and more specifically Table 5.2-14 of the DEIS) is on how tribal interests are

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	remain unaddressed.	<p>affected by fish and wildlife-related human activities. General effects on cultural resources are discussed in the Cultural Resources subsection in Section 5.2. A comparative analysis of the environmental consequences of the Policy Directions on cultural resources is provided in Section 5.3, Cultural/Historic Resources of this EIS.</p> <p>Additional examples and clarifying information has been added to these Sections to assist the reader.</p> <p>BPA has addressed cultural resource issues at the policy level for purposes of this programmatic document. Once a Policy Direction from this document is selected, the implementing actions for that Policy Direction can be implemented under this EIS coverage. Site-specific analyses, including the identification of appropriate mitigation measures concerning cultural resources management, will be conducted before implementing actions are taken. See the Umbrella Response regarding Tiered RODs.</p>
39/62	[Re: mitigation measures listed in Section 5.2.3.2] Yes! NEPA coverage is not adequately updated by this broad F&W Implementation DEIS. Also need updated NHPA coverage. Cultural resources have not been addressed adequately in any previous NEPA reviews, nor in this DEIS.	Comment noted. Updated NEPA coverage is being provided by this EIS, as well as by the Tiered RODs and other NEPA documents that will be prepared for site-specific implementation actions as these actions are proposed.
39/63	[Re: mitigation measures listed in Section 5.2.3.2] YES! This is positive and useful. These "mitigation measures" are needed regardless which policy direction alternative is adopted.	Comment noted and considered in the public record for this EIS process.
39/64	[Re: mitigation measures listed in Section 5.2.3.2] ?? Namely ... ? How would any other entity successfully raise rates without encountering the same market forces encountered by BPA? And what other purchasing entity might be more responsive to Native American rights and needs?	The "Namely" (yet unknown) entity might be a new one. Any other entity would face the same market forces as BPA, but there is still flexibility in setting terms and conditions for service. The partnership between the Confederated Tribes of the Warm Springs Reservation and Portland General Electric for operation of PGE's Deschutes River projects is but one example.
39/65	[Re: mitigation measures listed in Section 5.2.3.2] ?? This is vague. Can BPA provide examples of possible outcomes of "re-evaluating priorities"?	These are possible mitigation measures. "Re-evaluating priorities" simply means that what is a priority today could change in the future. One of the fundamentals for preparing this EIS is to allow for the flexibility of re-evaluating priorities in the Region as necessary and when needed. See Chapter 4 for a description of re-evaluating decisions as time passes.

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39/66	[Re: mitigation measures listed in Section 5.2.3.2] YES - This should be done regardless of policy direction alternative chosen and regardless of NEPA analysis.	Comment noted and considered in the public record for this EIS process.
39/67	[Re: mitigation measures listed in Section 5.2.3.2] ? - what does [clarify] mean in this context?	The reference has been removed to avoid confusion.
39/68	The hard copy section on "Adverse Economic Effects from Declining Fish and Wildlife Populations," pp. Draft/200-202, warrants comment. This is useful exposition of economic concepts such as existence values and bequest values.	The comment has been noted and made part of the public record for this EIS. Also, see response to comment 29/48.
39/69	On p. Draft/202, a paragraph begins with the sentence: "Even with the uncertainty of measurement, most studies agree that ... economic value of lost uses is less than the non-use values." ??What does this mean? Can it be restated to provide a clearer conclusion?	The reference has been deleted in this EIS to avoid confusion.
39/70	Same page, in the paragraph concluding the discussion of economic terms, the text reads: "Regional citizens include Tribal members. ... Primary values are cultural, religious and subsistence. Fish and wildlife losses might reduce levels of self-sufficiency, perceptions of control, and tribal health. Tribal members also have economic interests in common with the larger non-Indian society ...." This paragraph is <i>very weak</i> on the <i>DEEP</i> significance to Tribes of lost fish and wildlife and cultural resources.	This text on page 202 is meant to summarize economic losses only. Tribal effects are discussed in more detail on (DEIS) pages 196 to 200. Further, refer to the analysis of tribal effects in Sections 5.2 and 5.3 in this EIS for additional information and examples.
39/71	This section [5.2.3.2, Cultural Resources and Aesthetics], unfortunately, reverts to the "stones and bones" perspective on cultural resources. To the Tribes, Cultural Resources include a clean environment, thriving fish and wildlife populations, and traditional lifeways and religious practices associated with the natural environment. Although Tribal perspectives are given brief coverage elsewhere in the document, this section on cultural resources should emphasize the points that Tribes have made repeatedly during discussions with BPA and other federal agencies. To limit the definition of cultural resources, and do	<p>The view of the tribes concerning what constitutes cultural resources is noted. For the purposes of this EIS, the term "cultural resources" refers to archaeological resources and identified traditional cultural properties. Tribal cultural values are addressed in the Tribal Effects subsection of this EIS. Information gathered by BPA in discussions with the tribes has been summarized primarily in the Tribal Effects subsection, 5.3, with this information also discussed in other sections of the EIS where appropriate.</p> <p>This EIS has been revised to provide separate discussions of cultural resources and aesthetics in Section 5.2, as suggested by the commenter. This makes Section 5.2 more consistent with Section 5.3 in this EIS.</p>



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	lump the topic into a brief section also covering "aesthetics," is to miss the point of the many heartfelt descriptions by Tribal elders and Tribal cultural representatives.	
39/72	Resume here the candor displayed in earlier sections. "Exposure and loss of cultural resources" is euphemistic. Speak clearly of exposing burials, destroying traditional gathering areas, causing desecration of sacred sites, decimating salmon populations that are the heart and soul of Tribal culture. If this EIS is truly to assess impacts, it must describe those impacts truthfully.	Comment noted. Sections 5.1, 5.2, and 5.3 have been revised to incorporate the possible impacts identified by the commenter, except for the impact on salmon populations. This impact is discussed in Section 5.2.2.3, Fish and Wildlife, Section 5.3.2.4, Fish and Wildlife, and Section 5.3.3.3, Tribes, of this EIS.
39/73	NOT TRUE! Many historic and cultural resources have been "planned" and "acted" into oblivion. This same tactic was adopted in the SOR EIS and its offspring, the "Reservoir Cooperating Groups." To truly mitigate for adverse impacts on cultural resources, the full range of four "H's" must be adapted to minimize impacts and maximize protection. It is not an easy task, but a necessary one.	The views of the commenter concerning general mitigation for historic and cultural resources are noted, and that discussion in this EIS has been revised. Bonneville intends to minimize impacts on and maximize protection of these resources to the greatest extent possible. Site-specific mitigation measures for historic and cultural resources will be identified as part of the environmental review conducted for the implementation actions of a selected Policy Direction (see Umbrella Response regarding Tiered RODs).
39/74	The following paragraph is far too sanitized to portray reality: [refers to paragraph on direct and indirect effects within a reservoir pool on non-structural archaeological deposits]	The opinion of the commenter is noted.
39/75	The hard-copy Figure 5-8, Habitat-Oriented Actions, describes as an Associated Side Effect on Humans the possible adverse effects of impact to Tribes' culture, health and spirituality, then cites "Compensation" as a "Mitigation Measure." This is insulting in its bare interpretation. It should be removed or rewritten.	The identification of compensation as mitigation for effects to tribal culture, health, and spirituality was not intended to be insulting. This mitigation was identified in the EIS because it has frequently proven to be acceptable to some Tribes in addressing tribal concerns regarding these types of impacts. However, it is acknowledged that other types of mitigation, such as those described in the Tribal Effects subsection of Section 5.2 of the EIS, could be adopted to address these impacts. See revised Figure 5-16 (formerly Figure 5-8).
39/76	Hard-copy Figure 5-9, Harvest-Oriented Actions, describes possible adverse effects on Tribes and cites as Mitigation Measures: "-Provide for treating fishing" and "Transfer some hatchery operations to tribes." These proposed mitigation measures do not ensure necessary subsistence, ceremonial, and recreational harvest for non-treaty Tribes. The same	Section 5.2 has been revised. See additional examples and information provided for the reader in Sections 5.2 and 5.3 of this EIS.

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	Figure 5-9 describes mitigating for possible "Impacts to cultural traditions associated with hunting and fishing" by "Federal and state subsidies." Where in the text is this mitigation concept more fully described?	
39/77	Hard-copy Figure 5-10, Hatchery-Oriented Actions, demonstrates a conceptual disconnect. "Possible adverse effects: - Disenfranchisement of tribes as resource managers; - Economic impacts; - Amount and type of fish available for tribal harvest; [and,] -Tribal trust and treaty rights." These possible effects simply are not addressed by the described "Mitigation measures: - Provide for treaty fishing; [and,] - Transfer some hatchery operations to tribes."	See revisions to Sections 5.2 and the referenced Figures in this EIS.
39/78	Hard-copy Figure 5-11, Hydro-Oriented Actions, demonstrates both a grasp of the Tribal perspective, and a misunderstanding. "Mitigation measures" for "Associated Side Effects" on "Tribes" <i>should</i> include "Modify hydro operations." "Mitigation measures for "Cultural and Historical Resources" must include much more than "Documentation and protection."	See revisions to Sections 5.2 and the referenced Figures in this EIS. See also the Umbrella Response regarding Tiered RODs for a discussion of the approach to providing more detailed evaluations of the implementing actions once they are proposed.
39/79	Section 5.2.4 "Context and Intensity of Policy Directions" provides interesting analysis. To this reader, it is unclear how the analysis of effects incorporates possible mitigation measures. Can this be described in the text, in proximity to the analysis?	Figures 5-21 to 5-25 in Section 5.2.4 of the DEIS were not analyses of potential environmental effects, either before or after mitigation. These figures have been deleted in this EIS to avoid confusion.
39/80	[Regarding statement on environmental consequences tables: "Short-term effects will be examined in greater detail in future project-specific tiered RODs."] NEED MORE DETAILS!	This EIS provides a policy-level analysis of potential environmental impacts; for that reason the analysis in this EIS is inherently general. Once a Policy Direction from this document is selected and implementing actions for that Direction are proposed, more detailed analyses will be conducted before these implementing actions are carried out demonstrating the connection back to the policy-level analysis. See also the Umbrella Response regarding Tiered RODs.
39/81	Although the credentials and capabilities of these panel members are acknowledged, another panel should be convened, to include multiple disciplines from Tribes. Better yet, this analysis should be directed by Federal, State and	We appreciate the importance of this comment to adequate analysis. BPA's multi-disciplinary review group relied on resources from Federal, State, and Tribal policy-makers in the impact analysis. Also, see the additional examples and clarifying information in 5.1, 5.2, and 5.3 of this EIS.

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	Tribal policymakers through the Columbia Basin Forum.	
39/82	Need more information on individual components to make analysis of relationships meaningful.	Please see Umbrella Response regarding Tiered RODs, the response to comment 39/53, and the changes to Section 5.2 in this EIS.
39/83	This intent is achievable without minute level of detail, but cannot be accomplished credibly without more detail than has been incorporated to date. There is a minimum threshold of detail needed to make the environmental analysis meaningful. The Draft EIS is, at this point, too sketchy to provide true analysis of impacts.	Please see Umbrella Response regarding Tiered RODs, the response to comment 39/53, and the additions to Section 5.3 of this EIS.
39/84	For many actions, this step would be too little too late. More information is needed now, BEFORE selecting a policy direction.	See response to previous comment.
39/85	SOR was flawed as to cultural resources analysis, and not thorough as to fish, wildlife, water and the environment. SOR should not be relied upon. Conditions and management strategies have changed significantly since SOR RODs were entered.	The opinion of the commenter regarding the SOR EIS is noted. BPA has long been aware of the commenter's dissatisfaction with the SOR analysis. Although there have been changes in conditions and management approaches since the ROD was signed for the SOR EIS, the SOR EIS is still a very useful document that provides valuable data. Thus, the SOR EIS was used as an information resource for the environmental analysis in this EIS, along with the many other environmental documents incorporated by reference that are listed in Chapter 1 of this EIS (see response to comment 39/20).
39/86	Tribal participation in these NEPA processes was minimal. The Spokane Tribe's/UCUT's interests were not protected in these processes and the NEPA documents do not adequately represent the range of environmental and cultural resource impacts.	The commenter's opinions concerning the various environmental documents that were incorporated by reference into this EIS and tribal participation in the NEPA processes for those documents are noted. For this EIS, tribal participation has been actively pursued and encouraged, and BPA has attempted to continue the ongoing dialogue with the tribes to help identify possible effects on tribal and cultural resources from regional fish and wildlife mitigation and recovery efforts.
39/87	THIS IS CONFUSING. Do the federal agencies want to dispense with SOR as NEPA coverage? Or retain it? Or retain what's useful to agency decision-making, but discard the remainder? With adoption of new Biological Opinions, the hydrosystem operating regime is changed. SOR environmental analysis was inadequate even for the times and operations SOR encompassed. We	As discussed on pages 225-226 of the Draft EIS, this EIS will not replace or dispense with the SOR, which focused on hydrosystem operations. Instead, the ROD for this EIS provides a policy for actions beyond just hydrosystem operations (and thus actions outside of the scope of the SOR), including habitat, harvest, and hatchery actions. The relationship of this EIS to hydrosystem operations under the SOR, as modified by recent BiOps, will be determined by the Policy Direction(s) BPA and the others in the Region are

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	question the tiering of any current and future fish and wildlife decision-making based on SOR NEPA coverage.	<p>following at any given time.</p> <p>The commenter's opinion concerning the SOR EIS is noted. As discussed in responses to comments 39/20 and 39/85, the SOR EIS is a very useful document that provides valuable data and information that is relevant to the analysis of possible policy directions for regional fish and wildlife mitigation and recovery efforts contained in this EIS.</p> <p>BPA has not proposed tiering this EIS or any other decisionmaking process to the SOR EIS, as suggested by the commenter. Instead, the SOR EIS was used as an information resource for the environmental analysis in this EIS, and relevant information from the SOR EIS has been incorporated by reference into this EIS.</p>
39/88	This belief may be flawed. [Refers to belief that qualitative rankings will serve as a realistic reflection of results from other sources.]	See the Umbrella Response regarding Qualitative versus Quantitative Effects.
39/89	In hard-copy Table 5.3-5B, the claim in the first row labeled "Existing Conditions," should be clarified or expanded in a footnote. The complex formula used to derive annual losses from F&W actions should be summarized to raise readers' awareness.	Additional examples and clarifying information can be found in Section 5.3 of this EIS. Over 600 footnotes have been added to better inform the reader and direct them where to find more detailed information.
39/90	The brief text on pp. Draft/249-250 should be expanded to highlight that an assumption of no negative effects from environmental degradation (under Commerce Policy Direction) would be a ludicrous assumption.	See revisions to Section 5.3 of this EIS.
39/91	The following section is better than previous sections in getting to the heart of Tribal issues: [Refers to summary of effects section for 5.3.3.2 Tribes.]	The comment has been noted.
39/92	The hard copy document inserts Section 5.3.3.3 "Costs and Funding" here. Probably better to have Cultural/Historical Resources follow directly after TRIBES: Health, Spirituality and Tradition.	The order has been changed in Section 5.3 of this EIS.
39/93	Again, the "moving target" of this environmental analysis raises concerns about the scope and breadth of NEPA coverage. The validity of such a broad-sweep NEPA "analysis" is questionable.	The concern of the commenter has been noted as in several previous comments. See Umbrella Responses regarding Tiered RODs, Scope, and Reason for the EIS.
39/94	Due to the inadequate time frame in which to consider and respond to this	See response to comment 3/1 regarding the time allowed for public comment on the Draft EIS. See the Umbrella

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	Appendix, no comments can be submitted at this time. There has been no opportunity to fully brief the Tribal Council, with appropriate levels of input from technical staff. Also, overly simplistic assumptions underlying the development of alternatives can lead to seriously flawed analysis.	Response regarding Tiered RODs for information concerning the adequacy of the analysis.
40/1	Idaho water users support salmon recovery but believe, as set out in the enclosed document, the use of water from the Upper Snake River for flow augmentation is not a viable alternative to aid the listed species. ... We believe science does not support continuing, or increasing, the demand for augmentation water from the Upper Snake River Basin in the name of recovery of listed species or mitigation for impacts of the FCRPS on the listed species.	<p>BPA has noted the comment and reviewed the submitted analysis:</p> <p>A REVIEW OF "FALLACY OF FLOW AUGMENTATION...There is no need to drain Idaho for salmon."</p> <p>The following notes are a review of salient components used in the above paper to support the conclusions</p> <ol style="list-style-type: none"> <li><b>1. IWU reviews the hydrology of the basins and assert that flows in the Snake and Columbia River have not changed over the past 100 years.</b> This is generally true: the average annual discharge has not changed dramatically at the estuary. However, there have certainly been dramatic changes in the use and control of water flows over the same time period.</li> <li><b>2. IUW reviews evidence whether flow augmentation provides enhanced survival of juvenile migrating salmon.</b> The evidence for spring chinook suggests that in-river migrants survive passage through lower Snake River dams about 10% better in years of higher flow than lower flow. Examination of acute survival rates within a season provide no evidence that week-to-week survivals can be enhanced using flow augmentation. This is the strongest evidence against the idea that flow augmentation provides benefit. There are many other "environmental correlates" that are used to "explain" survival including temperature, turbidity, predator activity, spill, gas (TDG), velocity, timing, and so on; however, none can simply account for a cause and effect explanation. It appears that the crux of the matter is what happens at the concrete dams and spillways. The hydraulic behavior of the river and the fish at the dams is highly dependent on discharge and on subsequent operation of spill, turbines and fish passage facilities that are all woven together. Thus, flow is inextricably woven into the equation. It appears that when large volumes of water move through the dams, downstream migration and passage is enhanced. However, it also is difficult to hydraulically create these conditions using storage in a low flow year: there is simply not enough water to do it (Olsen et al., 1998). Further, it appears that the ultimate consequence of adult returns is most</li> </ol>

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		<p>heavily (although not exclusively) contingent upon ocean conditions, which have little to do with freshwater conditions.</p> <p>3. <b>Fall chinook may have different but related problems to spring chinook in the Snake.</b> Migrating even later than spring chinook, these fish are subject to even lower flows and poorer water quality in the heart of the irrigation season, particularly in a low flow year. Combined with the same difficult hydraulics at the Lower Snake River dams as spring chinook find, finding the exit may be an even bigger problem, as flows in the summer can be so low that it is like finding a needle in a haystack when only one generator is operating. The fish must then contend with poor water quality and predators in the reservoir. Flow indeed may be more of a solution for fall chinook, not to flush them, but to potentially enhance collection into barges for transport.</p> <p>4. <b>Transportation is indeed building a record of better adult returns in the Snake River compared to in-river.</b> IWU rightly point out this may be the most cost-effective solution to the entire problem, especially in a low flow year.</p> <p>5. <b>IWU points out that harvest and hatcheries and habitat are significant parts of the recovery equation and data exist to support their contention.</b> IWU strongly supports improvements in the four H's including transportation, dam operations, and the other three H's.</p> <p>6. <b>The economic impact on Idaho from depriving agriculture of water currently allocated for that purpose and using it for fish recovery runs into hundreds of millions of dollars.</b> They contend the Bureau has underestimated the impacts, but the impacts of both estimates are in the same order of magnitudes. Their basic argument is to use more cost-effective tools for recovery.</p>
40/2	We ask that you consider the analysis provided in the enclosed document as you prepare your final EIS and take the opportunity to reject continued demands for Upper Snake flow augmentation because of its ineffectiveness as a means to aid listed species and its high societal cost and divisiveness.	Please see response to previous comment above. Also, note the varying opinions regarding these issues throughout the comments in this Appendix.
41/1	The [Kootenai] Tribal Council requests and invites BPA to schedule a government-to-government meeting pursuant to its trust responsibility and duty to consult on matters affecting the	Contact with the many tribes within the BPA service territory has been maintained through BPA's Tribal Liaisons. Contacts and meetings are done on an ongoing basis. The EIS team members have worked with the Tribal Liaisons as needed. On August 30,

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	Tribe. Specifically, the Tribal Council requests the BPA to explain the Plan and how it will affect the Tribe and its members.	2002, a meeting to specifically discuss the Implementation Plan associated with the 2000 BiOps was held with the Salish-Kootenai Tribes, as well as a meeting on September 9, 2002, with the Upper Columbia United Tribes.
42/1	The draft EIS, however, states that BPA will not select one of the policy directions presented in the EIS for fish and wildlife mitigation and recovery because this decision is largely outside of its jurisdiction. EPA believes that the information in this document should not be presented in an EIS because BPA does not intend to select a policy direction presented as an alternative.	The DEIS noted that BPA is not " <i>unilaterally selecting a Policy Direction for the region.</i> " BPA has always intended to select an alternative to support BPA's fish and wildlife mitigation and recovery actions (see discussion in Chapter 1, page 6.) BPA has developed a Preferred Alternative (PA 2002) from among the range of Policy Directions in the DEIS. The preferred alternative is identified and analyzed in this FEIS (see Chapter 3). The initial ROD that BPA will prepare will specify BPA's selected alternative. However, as discussed in this EIS, the decision about the preferred alternative will be for BPA alone, and not for other regional entities. This EIS is thus an appropriate document for analyzing the range of reasonable alternatives and for providing a basis for BPA to select a Policy Direction now and for changing that Policy Direction in the future as events dictate the need for change. BPA is working hard, through its implementation of the NMFS and USFWS BiOps, and the Council's Fish and Wildlife Program, to facilitate a unified fish and wildlife mitigation and recovery policy. The timing and ultimate success of that effort is uncertain. In any event, BPA is obligated to fund and implement fish and wildlife mitigation and recovery actions before, during, and after these policy-level deliberations. BPA also has a statutory obligation to understand the environmental consequences of its actions and provide an opportunity for the public to participate in agency decisionmaking. Therefore, if the Region fails to agree upon a Policy Direction, BPA must still implement and fund a fish and wildlife mitigation and recovery effort strategy. This EIS is designed to meet the immediate and future needs of agency decisionmakers and the public for information regarding the impacts of mitigation and recovery actions proposed for implementation by BPA.
42/2	The non-decisional nature of the document forces us to conclude that ... agencies with jurisdiction in the Columbia River Basin should not tier subbasin fish and wildlife recovery plans to this EIS in order to comply with the 2000 Biological Opinion for the Federal Columbia River Power System.	As explained above, BPA believes that this document will serve as an important resource upon which to tier future site-specific decisions. We note, however, that the subbasin and recovery plans will not be tiered to this EIS, but the NEPA compliance documents prepared to implement them may be tiered to this EIS. Although we believe that the EIS could have useful applications for other agencies, we encourage them to reach their own conclusions.

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42/3	Some broad policy directions presented as alternatives in the EIS might be inconsistent with ... environmental laws and policies. The EIS ... should state <i>how</i> ... alternatives considered will or will not achieve the requirements of environmental laws and policies. Moreover, EPA will raise environmental objections to any final EIS that identifies a preferred alternative that is inconsistent with environmental laws.	See Umbrella Response regarding Scope. One purpose, which will become a decision factor in the ROD, is to fulfill obligations under other applicable laws including ESA and CWA (see Chapter 1 for Purposes). The DEIS noted on page 102 that "There are certain laws that an alternative must meet to be viable.... But this is a forward looking policy-level DEIS. As such, BPA has not limited the analysis to existing conditions or legal authorities." Also, in further discussions with the EPA since the DEIS, BPA's EIS team members have provided additional opportunities to better understand the nature of this unique policy-level EIS methodology.
42/4	The EIS should ... clearly state why the proposed BPA Plan is necessary when the Northwest Power Planning Council's Fish and Wildlife Plan is already up and running.	It is well established in the Regional Act, its legislative history, and related judicial decisions, that the Council cannot bind or control BPA. The Council is a valued guide in the business of fish and wildlife mitigation, but the ultimate decisions of what policies to adopt and actions to take are within the Administrator's discretion. Moreover, while the Regional Act addresses one very important class of BPA obligations, BPA also has others, under the ESA for example, that the Program has not always anticipated. Also see the PA 2002 description and use of regional guidance in its analysis in Chapter 3. Ultimately this EIS provides the programmatic NEPA compliance for implementation of the Council's program.
42/5	The EIS should also discuss BPA's Clean Water Act (CWA) responsibilities which indirectly support fish by protecting beneficial uses such as cold water biota. The EIS should list BPA's responsibilities under CWA.	See the Umbrella Response regarding the Clean Water Act for a discussion of BPA's responsibilities under the CWA. The DEIS noted BPA's obligations and responsibilities under the CWA. In fact, fulfilling those responsibilities is one of the purposes. Also, see CWA discussion in Chapter 2 of this EIS.
42/6	The title of the EIS is vague.... The EIS should be renamed "Fish and Wildlife Mitigation Recovery Plan" to more accurately reflect the plan's purpose and need.	The opinion of the commenter is noted. However, the name of the EIS has not been changed, in part, to avoid potential confusion from changing this EIS's name from draft to final. Also, the focus of the EIS is BPA's <i>implementation</i> of fish and wildlife mitigation and recovery efforts.
42/7	The draft EIS states that hydrosystem operation requirements for salmon recovery efforts have reduced power generation in the region by about 1,000 megawatts. Is this statement true today?	Yes. And the cost to BPA from that fish mitigation is typically in the hundreds of millions of dollars.
42/8	The EIS should explain why it is analyzing and planning mitigation and recovery options in the absence of recovery plans.	We understand the comment to refer to recovery plans developed by NOAA Fisheries (NMFS) and the U.S. Fish and Wildlife Service for species listed as threatened or endangered under the Endangered Species Act (ESA). The ESA calls for Federal agencies to utilize their authorities by carrying out programs for the conservation of listed species, and the NMFS FCRPS



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		<p>BiOp encourages the recovery of listed anadromous fish. Consequently, BPA intends to contribute to efforts enabling recovery of listed fish even in the absence of recovery plans. BPA can revise particular measures as appropriate to be consistent with these plans. However, based on our observations and experience, we do not expect recovery plans to call for kinds of actions that are new, unique, or substantially different from what has already been proposed through the Framework and section 7 ESA processes.</p> <p>More generally, see Umbrella Response regarding Tiered RODs; also refer to the Implementation Plan discussion in Chapter 2 of this EIS. This policy-level analysis allows BPA to proactively examine alternatives and their respective impacts before making decisions. The alternatives cover a number of key issues that need addressing to provide mitigation and aid recovery of fish and wildlife</p>
42/9	The draft EIS describes the functions of the EIS .... We recommend that the EIS use the more conventional framework described in NEPA regulations at 40 CFR 1502.10.	The recommendation of the commenter is noted. NEPA allows flexibility in the format of an EIS, so long as the EIS contains the required elements identified in 40 CFR 1502.10. This EIS contains all of these required elements, and thus complies with NEPA. In addition, BPA believes that the format used in this EIS makes it more readable. The EIS contains additional information beyond that required by 40 CFR 1502.10 in order to help readers better understand the situation faced by the Region concerning regional fish and wildlife mitigation and recovery and to be more comprehensive on the important related issues.
42/10	We believe limiting exports of power to regions outside the northwest would help ... avoid or minimize impacts to fish and wildlife species from dam operations and the construction and operation of more extensive electrical grid systems while keeping affordable power available for customers inside the Pacific Northwest.	As discussed in the EIS, BPA sells only <i>surplus</i> power to other regions—i.e., power at certain times of the year that is not necessary to serve Pacific Northwest customers, but is needed (often desperately) elsewhere. These sales of surplus power are conducted in accordance with BPA's enabling legislation, including the Federal Columbia River Transmission System Act (16 U.S.C. § 838 et. Seq.) and the Pacific Northwest Consumer Power Preference Act (16 U.S.C. § 837 et. Seq.). Furthermore, regardless of sales of surplus power, BPA has met and will continue to meet its obligations to fish. Power exports raise funds that are often used to help with fish and wildlife mitigation and recovery efforts, and power exchanges allow for water management to benefit fish.
42/11	The Council's Multi-Species Framework Project is [a] more balanced and comprehensive approach than what?	As noted in the text, the Framework was tasked with addressing fish and wildlife recovery and mitigation for multiple species (not just ESA-listed species), exploring alternative long-term visions for the river, and preparing

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		a report on the process. This "big-picture" approach was a change from earlier approaches and the information from that process was used in the Council's revision of the Fish and Wildlife Program.
42/12	The draft EIS should quantify the increase in in-river juvenile salmonid survival and increases in resident fish populations commensurate with the stated and quantified monetary amounts spent on fish and wildlife conservation and the percentage breakdown of money spent on anadromous fish.	Such information is very difficult to compile because important data resides in many different entities and the cause and effect relationships are not agreed upon. To the extent such information is available, we have referenced it in the EIS. For instance, in Chapter 2 we cite the Council's Second Annual Report to the Northwest Governors on Expenditures of the BPA. This report identifies how BPA has spent its mitigation funds over the last 20 years. Moreover, BPA has found NEPA does not require of the level of cost-effectiveness analysis recommended in this comment, nor do we see any means to determine such a ratio in this instance, as BPA would be unable to assess the degree to which current expenditures have slowed species declines or increased their recovery rates. Please review Chapter 2 for the myriad of policy choices, actions, and events that affect mitigation and recovery. Some of the sources of mortality, such as ocean and climatic conditions, may single-handedly overwhelm any human efforts to ensure full mitigation and recovery of all species of concern. Moreover, the use of Tiered RODs will bring clarifying detail to this policy-level analysis when it is more appropriate and necessary such as during the time specific projects are selected for fish and wildlife mitigation and recovery.
42/13	The draft EIS states that BPA will not identify a preferred alternative until it prepares the final EIS. This ... seems in conflict with a stated function of the EIS on page S-v which is to identify a specific path that will most likely be taken.	The comment has been noted. CEQ regulations do not require a DEIS to identify a preferred alternative; identification of this alternative is not required until the FEIS. BPA has identified its preferred alternative (the PA 2002) in the FEIS. BPA stands by the soundness of its reasoning not to have included one in the DEIS. Regarding the functions of this EIS, the commenter is referencing a discussion drawn from Chapter 1, "Purpose and Need for Action" of this EIS. This discussion was intended to identify the functions of the EIS as a whole, rather than just the DEIS. This discussion and the summary have been revised to clarify this intent.
42/14	We recommend that the EIS list dam removal as a mitigation measure for hydro generation in the status quo alternative since it might be necessary to meet water quality standards for total dissolved gas and temperature.	Dam removal would not be consistent with the Status Quo alternative. However, some of the Policy Directions include dam removal is The environmental impacts of dam removal, including water quality impacts, have been analyzed.
42/15	Mitigation for terrestrial habitat may now also include finding lands to replace	This EIS focuses on BPA's responsibilities to protect, mitigate, and enhance fish and wildlife adversely

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	habitat lost to recent transmission line and thermal power plant construction.	affected by the construction and operation of the FCRPS. Many of the types of habitat actions analyzed in the EIS could be taken as mitigation for impacts from transmission line construction or thermal power plant generation. Information from Sections 5.2 and 5.3 on the environmental impacts of those habitat actions could be incorporated into the site specific analyses prepared for those construction documents. We note, however, that mitigation for transmission lines and thermal plants is not part of the Council's Program, the Implementation Plan, or the BiOps addressed here; therefore, this comment is beyond the scope of intended use of this EIS.
42/16	The EIS should identify the criteria and information that the data and Tables S-2 and S-3 are based upon.	The tables identified are summary tables. The supporting information requested was in the body of the DEIS. As stated, the requested information is provided in Chapter 3 and Chapter 5, especially Section 5.3, of this EIS.
42/17	The EIS should incorporate the energy conservation component [of the NPPA] into this EIS ....	The energy conservation component is included in the Sample Implementation Actions (now Volume 3 of this EIS). BPA considered energy conservation (along with generating resources) in its Resource Programs and Business Plan EISs. That information has been incorporated by reference in this EIS.
42/18	We are concerned about a purpose of the draft EIS state on page 8 of adopting a flexible fish and wildlife strategy. ... EPA believes that the power production should accommodate fish and wildlife protection because power can be imported from other sources more easily than transplanting fish, wildlife, and their habitats.	The comment is noted. The EIS is a public policy document. A flexible fish and wildlife policy was suggested by former Vice-President Gore (see Appendix A). The Fish and Wildlife Funding Principles were reviewed by CEQ and the Office of Management and Budget and determined to be consistent with the then Administration's principles and priorities. A flexible strategy is just one of 7 principles that BPA must consider in its fish and wildlife funding process. When you review Chapter 2, you will see the variety of elements that affect fish and wildlife populations and the huge fluctuations in weather, market conditions, and national policies that shape the arena in which BPA operates. Without the flexibility to tailor our fish and wildlife efforts to these circumstances, we jeopardize our ability to have a stable, predictable, and effective mitigation and recovery effort. BPA has flexible strategies for its other major program areas: power and transmission. Having a flexible strategy for fish and wildlife mitigation and recovery is consistent with our overall business plan. Following the recommendation in this comment could violate BPA's other statutory mandates regarding the marketing of power.
42/19	We recommend that the EIS date documents incorporated by reference to indicate how current is the information	Please see Section 1.3.3 and the References section of this EIS.

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	found within them.	
43/1	There is no mention of the Owyhee Dam which completely blocked anadromous runs up the Owyhee River system. ... The most important comment the Shoshone-Paiute Tribes can make is this document seems to end at the Hells Canyon Complex and does not include the Owyhee Dam.	Owyhee Dam is a Bureau of Reclamation project; the project is not within the FCRPS. The Owyhee Dam project purposes were irrigation and power for irrigators. The Hells Canyon complex, constructed in 1967, blocks anadromous fish from reaching the Owyhee River. BPA believes mitigation for Owyhee and the Hells Canyon Complex is not a ratepayer responsibility.
43/2	There needs to be discussion of private and federal agencies that are doing irreparable damage to the system ... These agencies need to be held accountable for their actions that have detrimental impacts on the system.	The cited damages are outside the scope of this EIS. Nevertheless, they are discussed in Chapter 2, where relevant.
43/3	To our knowledge the Shoshone-Paiute Tribes do not have fishing and hunting rights, nor have we been compensated for those lost rights.	The comment has been noted. We have edited this EIS accordingly.
43/4	The statement ... "Some upriver Tribes have less of an interest in salmon than they once did....". ... is false. The Shoshone-Paiute Tribes have a great interest in salmon and steelhead. Anadromous fish are an important part of our culture, which has been taken away from us.	The comment has been noted. See response to comment 39/25 above. The text has been modified to reflect the concept that the interest in salmon has not diminished.
43/5	Cultural resources are more than specific places. Cultural resources to the Shoshone-Paiute Tribes includes land, water, air, birds, fish, everything that mother earth has produced and provided for our Tribes are Culturally important to the Shoshone-Paiute Tribes. Also, many sacred sites of ancestor's burial locations, ceremony locations, and hunting and fishing areas are also very important to our Tribes.	The reminder in this comment has been noted. Text will be added. Also see response to comment 39/2.
43/6	[Regarding Draft Appendix F]: What is the intention of this article in the Draft EIS? The article discusses how there needs to be a natural cycle for salmon and steelhead, however, there is no such thing as "Natural" anymore.	For a complete look at the fish mitigation and recovery issues, we thought it was important to include the possible influences of the ocean. The information included in Appendix F was to help the reader understand the possible influence of global warming and ocean conditions on salmon. We have provided a better overall article in this EIS.
43/7	The Shoshone-Paiute Tribes would like to see a list of the species produced along with list of hatcheries.	A full list of all species is beyond the scope of this section. The list of hatcheries was intended to demonstrate that there are a large number of hatcheries; it was not intended to be all-inclusive. The hatcheries

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		are continually changing over time in number and sometimes in what types of fish they are producing. We have noted, as in the Draft EIS, whether the hatcheries are for producing anadromous, resident, or mixed fish.
43/8	The hatchery list is incomplete, because it does not include private and non-Federal hatcheries. It lists hatcheries that are no longer operating and fails to mention hatcheries in the planning and construction phases.	See the response to comment 43/7 above. We have reviewed the list again for accuracy. The list of hatcheries is likely to change continually over time. Our objective was to show the vast number hatcheries carried on our database with the help of many other sources as noted in the Appendix.
43/9	[Re: Appendix G]: What is meant by BPA Funds major or minor? How much is major funds from BPA?	The objective of noting "major" and "minor" was to illustrate whether BPA was a substantial contributor to the project or just one of several involved in a particular project. As can be seen by the long list of hatcheries, BPA has been substantially involved in the Region's fish and wildlife recovery efforts through hatchery projects. There was no specific line drawn to establish a major and minor difference other than to demonstrate that many others have taken a role to help in the hatchery operations.
43/10	This document, like many others completely excludes much of the historic spawning areas for native anadromous fish.	A map has been added to show the historic information about anadromous fish. See Figure 2-17.
43/11	The document talks about wanting water from the Upper Snake River Basin however there is no talk of compensation, restoration of historic fish runs, dam modifications, consultation, or collaboration with the entities in the Upper Snake to help the dwindling fish runs downstream.	See response to comment 43/1 above.
43/12	The Federal Government has a trust responsibility to our [Shoshone-Paiute] Tribes to consult with our elected officials concerning any actions that may take place under these two documents.	BPA will continue to follow its Tribal Policy and consult with the tribes when we propose to take actions that will affect tribal lands. BPA also values its good relationship with the Shoshone-Paiute Tribes.
43/13	The Tribes would also like to see highest priority given to areas above "blockages" as was the original intent in the 1994 Power Act amendment. These are the areas that have suffered the greatest losses.	The comment has been noted. BPA will continue its Regional Act mitigation in a manner consistent with the goals and biological objectives of the Council's Program.
44/1	The Four Governor's Agreement is hereby incorporated into the State's comment by reference.	The Four Governor's Agreement is incorporated by reference into this EIS. See Preferred Alternative (PA 2002) in Chapter 3, Appendix I, and the Sample Implementation Actions in Volume 3 in this EIS.
44/2	At the outset, Idaho takes issue with the use of the term "status quo" as it connotes	Comment noted. The commenter is referencing the EIS's use of the term "Status Quo" to describe an

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	that nothing has been done to promote recovery in the FCRPS or the other H's.	alternative made up of components of the five basic Policy Directions identified in the EIS. As discussed on pages 108-111 of the Draft EIS, the Status Quo Policy Direction would involve a continuation of the policy direction that the Region appeared to be following at the time this EIS was drafted. Section 2.3, Policy Evolution, summarizes many of the recovery policies that the Region has recently been following. Rather than suggesting that nothing has been done to promote fish and wildlife recovery, the Status Quo Policy Direction indicates that there are existing policies in place to promote recovery, and that the Region would continue recovery efforts based on these policies without a coordinated Federal, state, and tribal process.
44/3	There is tremendous diversity among fish and wildlife populations in the Columbia River Basin .... Therefore, a one-size-fits all approach may be ill-advised. Idaho supports the subbasin planning approach to identify priorities on a smaller and more informed scale.	BPA acknowledges Idaho's preference for a subbasin planning approach. See Umbrella Responses regarding Preferences and Tiered RODs.
44/4	The Fish and Wildlife Implementation Plan should account for existing State fish and wildlife agency laws and policies.	We agree. See also Umbrella Responses regarding Tiered RODs and Scope.
44/5	The IDFG policy direction for anadromous fish and resident fish and wildlife affected by the FCRPS is spelled out in the IDFG Report to the Director, <i>Idaho's Anadromous Fish Stocks: Their Status and Recovery Options (IDFG 1998)</i> ; in fisheries management plans (IDFG 1992, 2001a); and in subbasin summaries. IDFG's overall fisheries goal is to restore and maintain wild native populations and habitats of resident and anadromous fish to preserve genetic integrity, ensure species and population viability, and provide sport fishing and aesthetic benefits (draft Salmon Subbasin Summary, 2001). The anadromous fish goal is to recover wild Snake River salmon and steelhead populations and restore productive salmon and steelhead fisheries (IDFG 1998).	This document was reviewed and actions were added to the Sample Implementation Actions (Volume 3).
44/6	Given the current status of the law, choosing amongst and implementing the varying policy themes as they are described in the DEIS is prohibited. BPA cannot adopt any one of the five policy directions in its pure form. As a result,	BPA also does not anticipate a major policy shift. However, a "Policy Direction represents a shift toward one of the themes with more actions and more intensive actions taken consistent with that theme..." DEIS p. 101. Consistent with its obligations under NEPA, BPA has evaluated a range of reasonable policy

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	BPA is necessarily forced to mix and match elements of each of the different policy directions, which is precisely what has been done in the past under the "status quo" alternative .... Hence, the State does not anticipate a major policy shift resulting from finalization of the DEIS.	alternatives in this EIS to ensure informed decisionmaking regarding a policy direction. Further, BPA hopes that its adoption of a Policy Direction will help further regional coordination in fish and wildlife mitigation and recovery efforts, which have been lacking. Also, BPA recognizes that it likely would need to mix and match certain elements of the Policy Directions analyzed in the EIS according to unique circumstances within each basin or subbasin and other factors. This recognition is reflected in the identification in this Final EIS of the Preferred Alternative, PA 2002, which is essentially a blend of the Weak Stock Focus and Sustainable Use Focus Policy Directions. See Umbrella Responses regarding Scope and Hybrid Alternatives. Also, see the Reader's Guide at the beginning of this EIS.
44/7	A major criticism of the DEIS is that alternative Policy Directions were artificially constructed by grouping actions according to "themes" to define directions ..., rather than by first defining goals/objectives and then selecting actions to achieve them. The comparisons of relative effectiveness of Policy Directions are also questionable or premature, because the actions and intensity of the actions are generally not established at this time (ES-xvi).	The commenter is correct in that BPA artificially constructed policy direction "themes." It was our intent in this EIS to capture the several different underlying themes being put forth throughout the Region in numerous processes and forums. As we have admitted to in this EIS, there are many different ways to define the five basic Policy Directions. BPA has defined the five Policy Directions described in Chapter 3 to ensure the Region was well aware of how BPA has defined them. We do not believe that BPA has the authority to define the goals, objectives, or values for the whole Region. BPA will set forth in its decision(s) based on this EIS how such goals and objectives are considered. As for the question over the intensity of actions, see the Umbrella Response regarding Tiered RODs for insight into this issue.
44/8	Until the actions and their intensity are better defined, it is unlikely that decision makers can "readily compare effects and likely outcomes/ consequences" of the alternative Policy Directions (ES-xxii).	See Umbrella Response regarding Tiered RODs. BPA expects the connection of the policy-level decisions to the site-specific decisions to enhance the public's, as well as BPA's, understanding of how the different pieces of the fish and wildlife mitigation and recovery effort fit together.
44/9	The DEIS is only partially successful in grouping actions according to themes as Policy Directions, and we note important inconsistencies and shortcomings in the comparisons.... Actions in the hydrosystem, harvest, habitat and hatchery areas are not necessarily consistent with a theme's title, or the general effects projected.	There are many ways to define Policy Directions as we noted in comment 44/7 above. The way the commenter chooses to define weak stocks is also a possibility. Between the Draft and Final EIS, the entire analysis has been re-examined for consistency, and appropriate changes have been made. The reader is encouraged to refer to the definitions of the Policy Directions in Chapter 3 and the Sample Implementation Actions in Volume 3.
44/10	Some purported "trade-offs" among alternatives are counter-intuitive because the tables fail to show projected response	See changes to summary Table 3.3-1 in Chapter 3 and Section 5.3 in Chapter 5.

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	of natural and hatchery anadromous stocks or resident native and non-native fish separately.... It would be appropriate to include more detail about fish and wildlife trade-offs among the alternatives given this is a Fish and Wildlife Implementation Plan.	
44/11	Figures 2.6, 2.10, 2.13 and 2.14 do not show the correct information in relation to Idaho.	The figures noted, as well as the other map figures, have been updated and references added to provide the reader the applicable data.
44/12	These inaccuracies may be indicative of other oversights in the document. We suggest a thorough review of Idaho-related information in the DEIS to ensure it is accurate and representative.	All Idaho-related information has been re-examined for accuracy.
44/13	Idaho believes that the Plan for Analyzing and Testing Hypotheses (PATH) is one example of a useful process for testing hypotheses.	Comment noted. See comments 18/13 and 31/3 for a contrary point of view.
44/14	Concern remains about spill as a long-term primary recovery action. ... The use of spill should be improved, experiments testing spill benefits should be expanded and the effects to juvenile fish survival should be monitored and evaluated. Spill should also be considered within the context of proposed hydro-dam facilities....	These actions appear in the Sample Implementation Actions (now Volume 3 of this EIS).
44/15	BPA's analysis of resident fish problems is inadequate. The problem of introduction of non-native predators and competitors with salmon has not been adequately described. Programs need to be developed to institute measures to reduce or eliminate non-native fish that compete or prey upon salmon.	<p>Chapter 2 identifies the some of the problems that have been created with the introduction of exotic non-native fish and wildlife that compete with or prey upon indigenous species. The Sample Implementation Actions (Volume 3) have been modified to include actions such as removing unwanted non-native aquatic species to make it easier to mitigate and recover native species.</p> <p>BPA also notes that reservoir fisheries management does have a continuing need to address conflicts between native and non-native fish, and between resident and anadromous fish. BPA's Northern Pikeminnow bounty program is an example of a response to resident fish that pose significant risk to salmonids. The unknown impacts of walleye and bass in the reservoirs, or the effect of the biomass of nearly 2 million returning adult shad annually, are also potentially serious problems needing to be addressed.</p>
44/16	New surface bypass technology, behavioral guidance structures or raised spillway weirs ... should be included in	It is one of many Sample Implementation Actions (Volume 3) for the different Policy Directions.



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	any analysis.	
44/17	There appears to be a conflict between Libby Dam operations for the Kootenai River Population of endangered white sturgeon and Libby operations for salmon flow augmentation. IDFG research indicates that flow augmentation for salmon may be producing conditions counterproductive to early (year 1 and 2) rearing for white sturgeon. The negligible benefits of flow augmentation from Libby for anadromous fish are not justified given the negative effect on juvenile white sturgeon.	Comment noted. This potential conflict is discussed under "The NMFS 2000 FCRPS Biological Opinion" heading in Section 2.3.2.4 of the EIS.
44/18	There is controversy regarding flow augmentation as a strategy to moderate the effect of the FCRPS on fish survival. Idaho reiterates the six elements identified in the Four Governors' Agreement as needed to reduce the controversy in the future.	The Four Governors' Agreement, including the six elements, has been incorporated into this EIS and is being considered prior to making a decision. Similarly, BPA has incorporated into this EIS and considered Dr. Al Georgi's recent report, prepared for the Council, on spill effectiveness.
44/19	Idaho has consistently pointed out that flow augmentation cannot recreate more normative river conditions and that incremental flow augmentation is insufficient for recovery.... The State would like to take this opportunity to advocate that further evaluation and study be done to document what the benefits of incremental flow augmentation may be before adoption.	Your opinion has been noted. Future flow augmentation studies could fit under several of the Policy Directions. See Sample Implementation Actions in Volume 3.
44/20	The DEIS summary (ES-i) notes that "[t]he region has sought to stem ..." [quotes second paragraph on page ES-i).... The above summary conclusion also imposes an unfair burden on science to provide an "answer" to the policy direction questions posed later in the DEIS. A more accurate statement than Reason (2) ["There is no clear scientific answer to the problem"] is found on page 107 of the DEIS, "In fish and wildlife mitigation and recovery efforts, where there are still many biological and political unknowns, it is better to be generally correct than precisely wrong." There is scientific agreement through a decision analysis approach that some options are more robust and likely to lead to recovery with lower risk than other	See the Umbrella Response regarding Tiered RODs. It should also be noted that the portion of the DEIS Summary quoted by the commenter merely summarizes information from the Section 1.1, Introduction of the Draft EIS. Section 1.1 in this Final EIS, as well as in the DEIS, provides a more detailed discussion of some of the reasons for the lack of needed progress in past fish and wildlife recovery efforts. This discussion is not intended to place any sort of burden on science to provide an answer concerning recovery efforts; rather, this merely identifies the current lack of a clear and agreed-upon answer as a contributing factor to the lack of needed progress in past recovery efforts. The comments on the DEIS in this Appendix are just another demonstration of the continued disagreement over how and what should be done to mitigate and recovery fish and wildlife in the Region.

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	options ....	
44/21	Actions necessary for fish and wildlife protection in the basin are related less to lack of scientific conclusion (or robustness) and more to conflicting risk policies.... The policy questions are thus related to how much potential risk decision makers are willing to take, recognizing that a decision to delay implementing lower risk actions is actually a decision to continue the current risk to the fish and wildlife resources.	We agree with the commenter's statement that much of the policy question for fish and wildlife mitigation and recovery in the Region is based on the amount of potential risk decisionmakers are willing to take when making a decision. Section 1.1, of this EIS, is intended to briefly describe some of the most important policy issues facing the Region; Section 2.3.2.3 of this EIS identifies several existing policy conflicts. In addition, the ROD or RODs related to this proposed action will identify relevant factors (including policy considerations) that were balanced by the BPA Administrator in reaching his decision concerning the proposed action and alternatives.
44/22	The DEIS does not address risk policy to meet BPA's obligations to fish and wildlife affected by the FCRPS.... The issue is not whether decision-makers should specifically choose a risk prone approach; the issue is that they should be objectively aware of the associated potential risk of any of the Policy Directions and use a scientific approach to determine the effects of an informed decision. This requires BPA use an adaptive management approach in funding its fish and wildlife program. We urge BPA to include this premise as an alternative within the DEIS and within the governance sections.	One way of viewing or using the comparison tables showing the relative strengths and weaknesses of the Policy Directions is to see these valuations as reflections of risk. Other kinds of risk analysis, such as legal risk, are provided directly to the Administrator by General Counsel. Because neither risk analysis nor adaptive management is a coherent theme, we did not include either as an alternative in this EIS. Instead, risk analysis and adaptive management are, to us, tools that can be applied to any alternative.
44/23	The example of breaching a dam (p. 152) is intended to show that a given implementation action may have an effect of limiting the potential for other actions, but is misleading if applied to removal of mainstem lower Snake dams .... If BPA is not referring to mainstem dams (which will be the common perception), it should clearly state this in the final document or replace this example with one reflecting a more realistic trade-off.	This generalized example was meant to cover the most aggressive reasonable dam removal alternative in this EIS, the Natural Focus Policy Direction, which includes the removal of the four Lower Snake River dams as well as John Day and McNary dams. Please also note that hydrosystem operations, as the example mentioned, include fish operations as well as power production, flood control, navigation, irrigation, and recreation. See Sections 5.2 and 5.3 in this EIS for more examples and clarifying information on dam breaching.
44/24	The DEIS discusses costs related to the fish and wildlife program.... We recommend this section be revised with the appropriate information related to BPA revenues, income, and budget coinciding with Fish and Wildlife expenses and costs.	Text has been added and updated showing different aspects about costs and revenues. As can expected, the costs and revenues information changes regularly depending on water conditions, markets, and energy related issues. See Section 2.3.2.3 of this EIS for a discussion of managing the money resources.
44/25	The DEIS specifies that the Idaho Office of Species Conservation (OSC) was	See changes to Section 2.3.2.4.

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	created to work on subbasin planning and coordinate efforts on natural resource issues. The legislation establishing the Office of Species Conservation states the office shall oversee implementation of federal recovery plans, coordinate state departments and divisions related to endangered, threatened, and petitioned species, provide input and comment related to endangered species and provide an ombudsman for the citizens of Idaho harmed or hindered by regulations related to ESA. These responsibilities should be reflected in the DEIS.	
44/26	Documents outlining wildlife impacts and the goals and objectives of the Idaho mitigation program include: The Idaho Department of Fish and Game Policy Plan and Strategic Plan. Please make changes to reflect this and the importance of the federal hydro wildlife mitigation program.	See changes to Section 2.3.2.4.
45/1	It is clear that the status quo policy direction is in violation of numerous state and federal laws and does not comply with the wishes of many segments of the public.	While BPA does not agree with the comment, it is noted. Where appropriate in this EIS, such as in Section 1.1 and  Table 3.3-2, many of the issues involved in continuing with the Status Quo have been identified. See also the Umbrella Response regarding Reasons for the EIS.
45/2	Protection of pristine ecosystems is the most effective way to protect fisheries and wildlife. It is cheaper and more effective to maintain existing functioning ecosystems than to restore degraded ecosystems.	The commenter's suggestion is noted. See Sample Implementation Actions in Volume 3 for several other related suggestions.
45/3	The Mountaineers supports many aspects of this [Natural Focus] policy direction. However, there are other programs from other policy directions which we also support. The Weak Stock policy direction would decrease commercial activity ... and use selected techniques for harvesting by tribes to assist weak stocks. It would also decrease commercial fisheries harvest.	The commenter's support for aspects of the various policy directions is noted. See Umbrella Response regarding the Hybrid Alternative.
45/4	We disagree with many implementation aspects of this [Strong Stock policy direction] program, such as decreasing restrictions on hydro operations, increasing commercial activity, and	The commenter's disagreement has been noted. See response to previous comment.

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	increasing harvesting while maintaining strong stocks.	
45/5	We believe that the policy is correct in emphasizing protection first of the ecosystems and fisheries stocks which are in the best condition and can be preserved and protected with the least amount of effort and funds. In other words, assign limited resources first to those runs that have the best chance of maintenance and recovery and the ecosystems which are best able to sustain those runs. ... This means, for example, that in the state of Washington priority would be given to protecting the Skagit, Stillaguamish, and the Skykomish rivers, their watersheds, and the healthy fisheries runs in those rivers, together with certain rivers in the Olympic Peninsula which flow from Olympic National Park and likewise have healthy fish runs. Spending large amounts of resources to protect rivers in urban areas such as the City of Seattle is much less cost effective in protecting habitat and fisheries and wildlife resources.	This type of mixing and matching is exactly what BPA has done in designing a Preferred Alternative (PA 2002, Chapter 3). We appreciate commenters explaining their concurrence with certain aspects of Policy Directions. Please note that, as the river systems in the commenter's examples are more detailed than the policy-level decision being initially made by this EIS, future Tiered RODs may include actions as detailed as the commenter's examples. See the Sample Implementation Actions (Volume 3) for many other potential site-specific examples.
45/6	Table ES2 points out that Natural Focus is by far the best alternative in terms of protecting and improving the natural environment. However, it would have adverse impacts on commerce and federal and state costs and funding. For these reasons it is likely that the policy cannot be fully implemented. However, we believe that this is the overall direction to go in terms of BPA policy.	The commenter's preference has been noted. See the Umbrella Response regarding Preferences.
45/7	The DEIS points out at page 55 the many problems associated with existing water policy. Most waters in the Pacific Northwest are over appropriated. Most waters fail to meet total maximum daily load levels for water quality established by the EPA. Most rivers and streams have inadequate instream flows to protect fisheries runs. ... The doctrine of prior appropriation of water rights, which has been in force for more than 100 years, creates massive misallocation of water resources and leaves those with the earliest recognized water rights largely in	The commenter's opinions are noted. See also the Umbrella Response to the Clean Water Act.

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**Appendix K: Comments and Responses**

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	control of how that water will be used. ... As a result, there is massive waste and inefficient use of water resources by some users, and inadequate resources for lower level water users and for in-stream flows.	
45/8	[Mountaineers] support these goals [conserve species; conserve ecosystems; balance the needs of other species; protect tribal rights; minimize adverse effects on humans] but recognize that there are conflicts among these various goals.	Comment noted.
45/9	To reach this objective [the Federal caucus objective of halting decline of population trends within 10 years] will require substantial change from existing policies and changes in commercial fishing, hatcheries production, protection of natural ecosystems, improvement of in-stream flows, and improvement of water quality, especially protection from non point pollution.	BPA appreciates the commenter's ability to see the interrelationships of actions. BPA, too, recognizes that existing policy will likely change in the Region over time. See Chapter 4 on modifying policy directions.
45/10	The Mountaineers supports all of those recommendations [the preferred recovery strategy of the Governors of the 4 Northwest states].	Comment and preference noted.
45/11	Vigorous proactive measures are needed to restore water quality throughout the state of Washington.	There are many potential water quality actions listed in the Sample Implementation Actions (Volume 3) that were proposed by interested parties throughout the Region. Such actions have been reviewed and will continue to be available for further consideration over time through NEPA and other related processes in the Region.
45/12	The widespread removal of large woody debris, and increased sedimentation from logging, agriculture, and other uses has reduced the structural diversity of in stream habitats necessary for fisheries.	Section 5.2 and 5.3 of this EIS have addressed the issue of sedimentation and its effects with regard to the different Policy Directions that could be followed.
45/13	Estuary conditions have also been substantially affected, and many wetlands along the shores and inner tidal marshes and swamps have been converted to other uses since 1948.	This comment is covered in Chapter 2 of this EIS and it helps to frame and demonstrate for the reader the policy issues that have and continue to face the Region as it moves forward on its fish and wildlife recovery efforts.
45/14	We also agree with the Natural Focus implementation action to decrease harvest. ... Restoration of habitat is not enough when the current ESU's are further endangered by continued harvesting.	The commenter's preference for the implementation action to decrease harvest has been noted. Please see Umbrella Response regarding Preference.

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45/15	Actions by federal agencies to curtail harvesting of commercial fisheries on the East Coast have shown that fisheries can come back if harvesting is curtailed for a period of years.	This assumption is in part what underlies the harvest reduction measures that have been made part of a Weak Stock Focus or Natural Focus alternatives.
45/16	We also concur with the [Natural Focus] recommendation that hatcheries be curtailed and in some instances discontinued.	The commenter's preference has been noted.
45/17	The Mountaineers has previously supported removal of the four lower dams on the Snake River. Breaching of the dams is the best way to insure restoration of the Columbia River ecosystem and the return of healthy fish runs. ... These dams provide less than 5% of the energy for the region, and customers most affected would see the power bills increase by only \$1-3 per month. The amount of power that would be lost as a result of breaching those dams is not significant when considered in the context of the greatly increased amount of power demand, which will come from growth in the next 20 or 30 years. ... Only 13 farms would be affected by the removal of the four dams, and they could continue to get irrigation water by extending the pipes to river levels and adding a booster pump.	See Umbrella Response regarding Preferences and response to comment 16/2.  "Only 5 percent" of the total regional energy system is a large amount of power. By comparison, 5 percent of the Region's population is over 500,000 people. Five percent of the Region's power supply is important, and increased demand for power over the coming decades is also important. It may be true that there are only 13 affected farms on 37,000 acres, but many other agricultural producers could be affected by higher power and transportation costs, measures to improve habitat and water quality, and other changes.
45/18	The Mountaineers supports implementation of the various tribes' treaty rights. However, those rights can and should be implemented in a way that do not jeopardize continued health of endangered fisheries runs. ... The tribes can harvest endangered runs by spearing, hook and line, hand nets, and other traditional techniques which do not endanger entire runs.	Comment noted, although it would appear to be contrary to U.S. Supreme Court holdings in the <i>U.S. v. Washington</i> line of cases that prohibit discrimination against tribal treaty fishers based on their means of harvest.
45/19	Although the Mountaineers disagrees with many of the implementation actions of the Strong Stock policy, we do concur that there is merit in focusing on viable stock and ecosystems to avoid a broader collapse of fish and wildlife populations. (114) We also concur that protecting endangered species can be accomplished in part by using economic incentives to promote conservation. (115) ... Providing incentives to private property	Comment noted. See response to comment 45/5 above.

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	owners, such as by providing grants to fence off streams, is an excellent idea. Requiring private property owners to incur enormous expense to protect fisheries resource, which are public resources and of no direct economic benefit to the private property owner, naturally results in antagonism.	
45/20	The Mountaineers agrees that the Northwest cannot be returned to the condition that it was in 1850. However, we do feel that attempting to protect existing natural ecosystems has great merit and should be a strong leg of any policy that is eventually adopted.	The comment preference has been noted.
45/21	However, the BPA and other power agencies are going to have to look at alternative energy sources for the future in any event, because the future increased demand will outstrip the ability of the dams on the Columbia system to produce the required power. Therefore, development of alternative sources of energy and a strong conservation program are essential in any event for the economic health of the region.	Comment noted. This EIS has been prepared to examine the environmental consequences of alternative Policy Directions for fish and wildlife mitigation and recovery efforts. Consideration of alternative energy sources (including conservation) is not the focus of this EIS. However, the potential impacts to fish and wildlife and their habitats from these energy resources and the potential impacts of fish and wildlife mitigation and recovery actions on energy generation and conservation (power) have been discussed in Sections 5.2 and 5.3 of this EIS. In addition, BPA has prepared a programmatic analysis of alternative energy sources and conservation efforts in its Resource Programs EIS (DOE/EIS-0162, 1993), which has been incorporated by reference. As a result of that analysis, BPA adopted the Emphasize Conservation Alternative. This alternative contemplates development of new renewable resources, as well as implementation of conservation and efficiency improvements. BPA's Business Plan EIS (DOE/EIS-0183, June 1995) and ROD affirmed BPA's commitment to conservation and renewable energy. In recent years, BPA has actively pursued power purchases from wind and other renewable energy resources, as well as conservation.

### K.3 MEETING SUMMARIES

Meeting Log: By Meeting and by Comment Number		
	Comment	Response
PORTLAND OREGON (JULY 9, 2001)		
M-1/1	A commenter inquired about the role of BPA with respect to other agencies	BPA is working hard, through its implementation of the NMFS and USFWS BiOps, and the Council's Columbia